



**AMENDED  
FINAL ADMINISTRATIVE DECISION  
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Gregory Szejkowski  
DOCKET NO.: 08-25185.001-C-1 through 08-25185.005-C-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Gregory Szejkowski, the appellant(s), by attorney Richard J. Caldarazzo, of Mar Cal Law, P.C. in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
08-25185.001-C-1	13-23-326-006-0000	18,529	2,052	\$20,581
08-25185.002-C-1	13-23-326-007-0000	10,433	865	\$11,298
08-25185.003-C-1	13-23-326-008-0000	14,256	28,170	\$42,426
08-25185.004-C-1	13-23-326-009-0000	12,468	45,842	\$58,310
08-25185.005-C-1	13-23-326-010-0000	12,468	36,014	\$48,482

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject has 17,082 square feet of land, which is improved with a ten year old, one-story, commercial building. The subject's improvement size is 8,143 square feet of building area, which equates to an improvement assessment of \$18.46 per square foot of building area. Its total assessment is \$218,512, which yields a fair market value of \$575,032, or \$70.62 per square foot of building area (including land), after applying the 38% assessment level for commercial properties under the 2008 Cook County Classification of Real Property Ordinance. The appellant, via counsel, argued that there was unequal treatment in the assessment process of the subject's improvement, and also that the fair market value of the subject property was not

accurately reflected in its assessed value as the bases of this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment information for three properties suggested as comparable to the subject. The comparables are described as one-story, masonry, commercial buildings. Additionally, the comparables range: in age from 37 to 93 years; in size from 3,960 to 14,000 square feet of building area; and in improvement assessments from \$4.87 to \$13.87 per square foot of building area. The comparables also have various amenities.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's improvement assessment of \$127,123 or \$15.61 per square foot of building area and total assessment of \$195,277 was disclosed. The total assessment reflects a fair market value of \$513,882 when the Cook County Real Property Assessment Classification Ordinance level of assessments of 38% for Class 5a properties is applied. In support of the assessment, the board submitted copies of the property record card for the subject as well as raw sales data on six properties. These sales occurred between January 2003 and June 2005 for prices ranging from \$337,352 to \$2,175,000 or from \$33.74 to \$229.89 per square foot of building area.

At hearing, the appellant's attorney asserted that the subject's assessment should be reduced based on the subject's income. The board of review's representative discussed the board's sale comparables and the subject property's income.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. *National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board*, 331 Ill.App.3d 1038 (3rd Dist. 2002); *Winnebago County Board of Review v. Property Tax Appeal Board*, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction based on market value is not warranted.

The appellant submitted documentation showing the income and expenses of the subject property. The PTAB gives the appellant's argument little weight. In *Springfield Marine Bank v. Property Tax Appeal Board*, 44 Ill.2d 428 (1970), the court stated:

[I]t is the value of the "tract or lot of real property" which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value".

Many factors may prevent a property owner from realizing an income from property that accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes. Id. at 431.

Actual expenses and income can be useful when shown that they are reflective of the market. Although the appellant's attorney made this argument, the appellant did not demonstrate through an expert in real estate valuation that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using income, one must establish, through the use of market data, the market rent, vacancy and collection losses, and expenses to arrive at a net operating income reflective of the market and the property's capacity for earning income. The appellant did not provide such evidence and, therefore, the PTAB gives this argument no weight and finds that a reduction based on market value is not warranted.

Appellants who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. *Kankakee County Board of Review v. Property Tax Appeal Board*, 131 Ill. 2d 1, 544 N.E.2d 762 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. Proof of assessment inequity should include assessment data and documentation establishing the physical, locational, and jurisdictional similarities of the suggested comparables to the subject property. Property Tax Appeal Board Rule 1910.65(b). Mathematical equality in the assessment process is not required. A practical uniformity, rather than an absolute one is the test. *Apex Motor Fuel Co. v. Barrett*, 20 Ill. 2d 395, 169 N.E.2d 769 (1960). Having considered the evidence presented, the PTAB concludes that the appellant has met this burden and that a reduction is warranted.

The appellant presented assessment data on a total of three equity comparables. The PTAB finds these comparables similar to the subject. Based on the data provided by the appellant, these comparables had improvement assessments that ranged from \$4.87 to \$13.87 per square foot of building area. The subject's improvement assessment of \$18.46 per square foot of building area is above the range of comparables. The PTAB gives little weight to the board of review's evidence as the data is merely raw sales data.

After considering adjustments and the differences in the comparables when compared to the subject, the PTAB finds the subject's per square foot improvement assessment is not supported and a reduction in the subject's assessment is warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



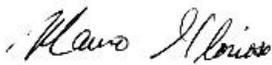
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Chairman



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DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: March 21, 2014



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Clerk of the Property Tax Appeal Board

**IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.