



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

APPELLANT: Bogart's Charhouse  
DOCKET NO.: 08-29359.001-C-1 through 08-29359.005-C-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Bogart's Charhouse, the appellant(s), by attorney Arnold G. Siegel, of Siegel & Callahan, 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
08-29359.001-C-1	29-31-409-010-0000	26,409	1,930	\$28,339
08-29359.002-C-1	29-31-409-037-0000	24,152	2,409	\$26,561
08-29359.003-C-1	29-31-409-038-0000	24,152	31,820	\$55,972
08-29359.004-C-1	29-31-409-041-0000	11,609	867	\$12,476
08-29359.005-C-1	29-31-409-072-0000	15,236	2,016	\$17,252

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 45,880 square feet of land improved with a 32-year old, one-story masonry constructed, commercial building containing 4,629 square feet of building area.

The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant's pleadings included a limited summary appraisal of the subject property with an effective date of January 1, 2008 undertaken by Robert S. Kang, Certified General Real Estate Appraiser, and Mitchell J. Perlow, who holds the designation of Certified General Real Estate Appraiser and Member of the Appraisal Institute. The appraisers estimated a market value for the subject of \$370,000.

As to the subject, the appraisal indicated that the subject's site was inspected on July 6, 2008 and that the property rights

appraised for the subject are the unencumbered fee simple estate. The subject was found to be a irregular shaped parcel containing 45,880 square feet of land. The improvement was described as a one-story, masonry constructed restaurant with on-site parking. The appraisal estimated that the building contained 4,629 square feet of building area after the personal inspection and submitted calculations reflecting the appraiser's methodology. The appraisal indicated that the building was constructed in 1976 and was in average condition.

The appraisers indicated that the subject's highest and best use as vacant, was to leave it vacant while the highest and best use as improved was for its current use but with repairs of deferred maintenance.

The appraisers developed one of the three traditional approaches to value. The estimated market value under the sales comparison approach was \$370,000.

Under this approach to value, the appraisers utilized five sale comparables. These comparables sold from June 2005 through May 2008, for prices that ranged from \$110,000 to \$370,000 or from \$51.52 to \$83.00 per square foot, including land. The properties were improved with one-story, masonry constructed, commercial/restaurant buildings. They ranged: in improvement size from 1,802 to 4,896 square feet of building area; in age from 30 to 68 years; and in land size from 14,215 to 42,725 square feet of land. After making adjustments to the suggested comparables, the appraisers estimated that the subject's market value was \$80.00 per square foot or \$370,000, rounded, as of the assessment date. As a result of this analysis, the appellant requested a reduction in the subject's valuation.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$158,306 for the tax year 2008. The subject's assessment reflects a market value of \$416,594 or \$90.00 per square foot using the Cook County Ordinance Level of Assessment for Class 5a, commercial property of 38%. As to the subject, the board submitted copies of the subject's property record cards, which indicated that the subject property contained 3,630 square feet of building area as of August 1978.

In support of the subject's market value, raw sales data was submitted for seven commercial/restaurant properties. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that there was any verification of the information or sources of data. The properties sold from August 2003, to March 2008 for \$616,500 to \$2,950,000 or from \$116.00 to \$293.57 per square foot of building area, including land. The properties contained buildings that ranged in size from 2,100 to 8,025 square feet and in age from 20 to 45 years. The printouts indicate that sales #2, #4, and #6 failed to include any real estate brokers for the parties involved in the transactions and were not advertised for

sale on the open market. As a result of its analysis, the board requested confirmation of the subject's assessment.

After considering the arguments and reviewing the evidence, 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 (3d Dist. 2002; Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d (2d 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 Board concludes that the evidence indicates a reduction in the subject's assessment is warranted.

In determining the fair market value of the subject property, the Board accorded diminished weight to the properties submitted by the board of review as the evidence provided unconfirmed, raw data on sales.

Therefore, as to the subject's market value, the Board finds the best evidence to be the appellant's appraisal. The appellant's appraisers utilized the sales comparison approach to value in determining the subject's market value. The Board also finds this appraisal to be persuasive for the appraisers: have extensive experience in appraising and assessing property; personally inspected the subject property; estimated a highest and best use for the property; and utilized market data in undertaking the sales comparison approach to value, while making adjustments to the comparables were necessary.

Therefore, the Board finds that the subject property contained a market value of \$370,000 for the tax year 2008. Since the market value of the subject has been established, the Cook County Ordinance level of assessment for Class 5a, commercial property of 38% will apply. In applying this level of assessment to the subject, the total assessed value is \$140,600, while the subject's current total assessed value is above this amount at \$158,306. Therefore, the Board finds that a reduction 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.



Chairman



Member



Member



Member



Member

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: August 28, 2012



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.