



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

APPELLANT: 7170 West Grand Ave. Condo. Assoc.
DOCKET NO.: 08-30156.001-R-1 through 08-30156.008-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are 7170 West Grand Ave. Condo. Assoc., the appellant, 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 no change 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
08-30156.001-R-1	13-30-324-038-1001	936	24,747	\$25,683
08-30156.002-R-1	13-30-324-038-1002	936	24,747	\$25,683
08-30156.003-R-1	13-30-324-038-1003	972	5,141	\$6,113
08-30156.004-R-1	13-30-324-038-1004	972	25,709	\$26,681
08-30156.005-R-1	13-30-324-038-1005	1,008	5,330	\$6,338
08-30156.006-R-1	13-30-324-038-1006	1,008	26,651	\$27,659
08-30156.007-R-1	13-30-324-038-1007	1,710	49,340	\$51,050
08-30156.008-R-1	13-30-324-038-1008	1,710	9,868	\$11,578

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is a 1,450 square foot commercial condominium unit, identified by permanent index number 13-30-324-038-1007, located on the ground floor of a mixed-use condominium building. The building contains an additional six residential units and one commercial unit which the appellant chose not to contest after filing their initial appeal. The building is situated on a 6,270 square foot site and was built in 2005. The unit has a 9.9% ownership interest in the common elements and is located in Chicago, Jefferson Township, Cook County.

The appellant, via counsel, appeared before the Board and submitted evidence claiming unequal treatment in the assessment

process as the basis of the appeal. In support of the equity argument, the appellant submitted limited descriptive and assessment data for two suggested comparables. They are two residential units located in the same building and range in improvement assessment from \$3.54 to \$3.68 per square foot of building area. No commercial comparables were submitted for the Board's consideration.

The appellant also submitted a brief disclosing that the subject unit was 42% vacant for the 2008 tax year as it was sold in May 2008 for \$180,000. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$30,327, which reflects a 58% occupancy factor applied to the assessor's proposed assessment.

The board of review submitted its "Board of Review-Notes on Appeal" disclosing the subject's total combined final assessment of \$180,785. The subject unit's assessment of \$51,050 reflects a fair market value of \$134,342 using the 2008 level of assessment of 38% for Class 2 property as contained in the Cook County Real Property Assessment Classification Ordinance. The board of review also submitted a memo from Matt Panush, Cook County Board of Review Analyst. Mr. Panush's sales analysis used three residential condominium sales from 2005 through 2008. Total consideration from the sales was \$792,000. Of that amount \$15,840, or 2%, was deducted for personal property. Thus, the total adjusted sales price for the real estate was calculated to be \$776,160. The board's analyst then developed a market value for the building as a whole by applying the total of the percentages of ownership for the units which sold, or 40.1%, to arrive at a total market value for the subject of \$1,935,561. As the residential units comprise 80.2% of the whole, the full value of the residential portion of the building was determined to be \$1,552,319. The board of review noted that both of the commercial units were recently sold, however, no further analysis was provided. Based on the evidence presented, the board of review 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.

The appellant contends unequal treatment in the subject unit's improvement assessment as the basis of the appeal. Taxpayers 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 (1989). After an analysis of the assessment data, the Board finds the appellant has not met this burden.

The appellant presented assessment data on a total of two equity comparables. The Board finds that the subject unit is commercial while the two suggested comparable units are residential. Although the comparables presented by the appellant may be

similar in location, the Board is unable to determine comparability to the subject property due to this disparity. Moreover, the appellant provided the Board with only two properties suggested as comparable, providing an insufficient range with which to determine comparability. Additionally, the Board gives little weight to the board of review's evidence as the data only develops a market value for the residential portion of the building.

The Board further finds that the appellant did not submit sufficient documentation indicating that the subject property was uninhabitable. Section 9-180 of the Property Tax Code provides in part:

"When... any buildings, structures or other improvements on the property were destroyed and rendered uninhabitable or otherwise unfit for occupancy or for customary use by accidental means (excluding destruction resulting from the willful misconduct of the owner of such property), the owner of the property on January 1 shall be entitled, on a proportionate basis, to a diminution of assessed valuation for such period during which the improvements were uninhabitable or unfit for occupancy or for customary use." (35 ILCS 200/9-180).

Although the subject unit closed in May 2008, the price for which it sold, \$180,000, is substantially higher than the market value placed on the property by the assessor. Additionally, no occupancy certificate was provided by the appellant. Accordingly, the Board finds no reduction in 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.



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: October 18, 2013



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.