



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

APPELLANT: Peter Bolsoni
DOCKET NO.: 08-30888.001-C-1
PARCEL NO.: 17-09-259-022-1001

The parties of record before the Property Tax Appeal Board are Peter Bolsoni, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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:

LAND: \$ 25,469
IMPR.: \$ 36,750
TOTAL: \$ 62,219

Subject only to the State multiplier as applicable.

ANALYSIS

The subject consists of a one-story commercial condominium unit in a 448 unit residential condominium building. The appellant, via counsel, argued unequal treatment in the assessment process of the subject's improvement as the basis 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. The comparables range: in age from 19 to 21 years; in size from 1,937 to 3,359 square feet of building area; and in improvement assessments from \$2.85 to \$7.11 per square foot of building area. The comparables also have various amenities. In addition, the appellant submitted a prior 2007 Board decision granting a reduction for the subject based on the same equity comparables. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

At hearing, the appellant's attorney, Ms. Patty Fortsas, re-affirmed the evidence previously submitted. Ms. Fortsas offered into evidence a map identifying the subject and the comparables. The map was accepted into evidence and marked as Appellant's Exhibit #1. Ms. Fortsas also offered into evidence the Cook County Assessor's printouts for each of the three equity comparables. The printouts were accepted into evidence and marked as Appellant's Exhibit #2-#4.

Furthermore, Ms. Fortsas' witness, Mr. Peter Bolsoni, testified that he purchased the subject in July 2008 for \$625,000 and that he was familiar with the three equity comparables. Mr. Bolsoni further testified to the age, location, description, and similarity of each of the three equity comparables. Specifically, Mr. Bolsoni testified that the first equity comparable was a single-story, free-standing building located in a higher traffic area than the subject. Regarding comparable #2, he testified that this equity comparable is located in the Gold Coast and is a free-standing building. Lastly, Mr. Bolsoni testified that comparable #3 is an older building located on a busy intersection with parking.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's final assessment of \$117,599 was disclosed. In support of the subject's assessment, the board of review submitted a property record card for the subject and raw sales data for six commercial office or commercial retail buildings located within the subject's area. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the Cook County Assessor's Office. However, the board of review included a memorandum which states that the submission of these comparables is not intended to be an appraisal or an estimate of value, and should not be construed as such. The memorandum further states that the information provided was collected from various sources, and was assumed to be factual, accurate, and reliable; but that the information had not been verified, and that the board of review did not warrant its accuracy.

The board of review's comparables are described as one-story, commercial office or commercial retail/restaurant buildings. Additionally, the comparables are from 1 to 113 years old, and have from 2,039 to 3,000 square feet of building area. The comparables sold between February 2005 and August 2008 for \$1,318,000 to \$8,250,000, or \$500.00 to \$2,808.00 per square foot of building area, including land. Based on this evidence,

the board of review requested confirmation of the subject's assessment.

The board of review's analyst, Ms. Lena Henderson, re-affirmed the evidence previously submitted. Ms Henderson distinguished the appellant's comparables from the subject based on age, land to building ratio, and class. Ms. Henderson also testified that the appellant's comparable #1 includes an occupancy factor and that comparable #2 contains two improvements. In support, Ms. Henderson offered into evidence the property record card for comparable #1. The property record card was accepted into evidence and marked as Board of Review's Exhibit #1. The Board of Review's Exhibit #1 states that a 19.9% occupancy factor was applied to this comparable in 2008. In addition, Ms. Henderson offered into evidence a copy of the face sheet regarding comparable #2. The face sheet was accepted into evidence and marked as Board of Review's Exhibit #2. The Board of Review's Exhibit #2 states that appellant's comparable #2 contains two improvements that are classified as 5-17, commercial storefront properties. The appellant's evidence also indicates that comparable #2 includes two improvements. However, Ms. Fortsas could not confirm what type of second improvement existed. Therefore, Ms. Henderson was given seven days following hearing to submit further evidence of comparable #2's two improvements. The following day, Ms. Henderson submitted a poor quality aerial photograph of comparable #2. No confirmation of second improvement type was garnered from this aerial photograph.

Lastly, Ms. Henderson noted that the board of review's sale comparables #1-#3 and #6 are similarly classified as the subject. The remaining sale comparables were only submitted to refute the appellant's comparables classified as 5-17. The board of review's analyst does not agree that appellant's comparables classified as 5-17, commercial storefront properties, are similar to the subject's classification of 5-99, commercial condominium units.

In rebuttal, the appellant's attorney states that a decision lowering the subject's assessment was rendered in 2007. The board of review's analyst responded by stating that the 2007 and 2008 tax years differ because the subject was sold in 2008. In conclusion, the appellant's attorney stated that the board of review's evidence is not responsive to the appellant's equity argument and that the board of review's evidence includes "raw, unconfirmed, undated data."

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

The appellant contends unequal treatment in the subject's improvement assessment as the basis of this 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. Walsh v. Prop. Tax Appeal Bd., 181 Ill. 2d 228, 234 (1998) (citing Kankakee Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 131 Ill. 2d 1 (1989)); 86 Ill. Admin. Code § 1910.63(e). To succeed in an appeal based on lack of uniformity, the appellant must submit documentation "showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d 139, 145 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(b). "[T]he critical consideration is not the number of allegedly similar properties, but whether they are in fact 'comparable' to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d at 145 (citing DuPage Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 284 Ill. App. 3d 649, 654-55 (2d Dist. 1996)). After an analysis of the assessment data, the Board finds that the appellant has met this burden.

Regarding the board of review's argument that the appellant's comparable #2 includes two improvements, the Board finds that the comparable is a part one-story and part two-story contiguous building. Per Appellant's Exhibit #3, it is clear that the front section of the building is a one-story and the rear section is two-story building.

The Board finds the appellant's comparables were most similar to the subject in size, location, and use but differ in age, design, and classification. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments without occupancy factors that ranged from \$4.24 to \$14.33 per square foot of building area. The subject's improvement assessment of \$37.60 per square foot of building area is above the range established by the most similar comparables. However, based on the subject's age, design and classification, the Board finds that the comparables should be adjusted upward to account for these superior characteristics. After considering adjustments and the differences in the comparables,

when compared to the subject, the Board finds the subject's per square foot improvement 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.

Ronald R. Cuit

Chairman

Frank A. Huff

Member

Mario M. Louis

Member

J.R.

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: January 23, 2015

Allen Castrovillari

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.