



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

APPELLANT: David Dorrance
DOCKET NO.: 09-21640.001-R-1
PARCEL NO.: 23-35-110-021-0000

The parties of record before the Property Tax Appeal Board are David Dorrance, the appellant; 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: \$ 12,000
IMPR.: \$ 35,675
TOTAL: \$ 47,675

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 48,003 square foot parcel improved with a seven-year-old, two-story, single-family dwelling of masonry construction containing 4,020 square feet of living area and located in Palos Township, Cook County. Features of the residence include three and one-half bathrooms, a full-unfinished basement, central air-conditioning, two fireplaces and a four-car attached garage.

The appellant appeared before the Property Tax Appeal Board arguing that the fair market value of the subject is not accurately reflected in its assessed value. In support of this argument, the appellant submitted sales data and descriptive information on four properties suggested as comparable to the subject. The appellant also submitted copies of multiple listing service sheets, photographs and Cook County Assessor's Internet Database sheets for the subject and the suggested comparables as well as a flood zone map. Based on the appellant's documents, the four properties consist of two-story, single-family dwellings of masonry or frame and masonry construction located within one and one-half mile of the subject. The improvements range in size from

3,704 to 5,486 square feet of living area and range in age from four to 31 years old. The comparables contain two and one-half or three and one-half bathrooms, a partial or full-unfinished basement, central air-conditioning, a fireplace and a multi-car attached garage. They sold from May 2009 to March 2010 for prices ranging from \$400,000 to \$553,000 or from \$72.92 to \$133.25 per square foot of living area, including land.

At hearing, the appellant referred to a flood zone map provided by the appellant disclosing that approximately 40% of the subject's parcel is located within a flood zone but the subject improvement is not. The flood map also disclosed that a train track is situated approximately 300 yards from the subject. The appellant argued that being located within a flood zone as well as the proximity of the train tracks diminished the subject's market value. Based on this analysis, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$67,154. The assessment reflects a total market value of \$754,539 or \$187.70 per square foot, including land for the subject, when the 2009 Illinois Department of Revenue's three-year median level of assessments of 8.90% for Class 2 property, such as the subject, is applied. In support of the assessment, the board submitted property characteristic printouts and descriptive data on four properties suggested as comparable to the subject. The suggested comparables are improved with two-story, single-family dwellings of masonry construction with the same neighborhood code as the subject. The improvements range in size from 4,013 to 4,727 square feet of living area and range in age from four to nineteen years old. The comparables contain two and one-half or three and one-half bathrooms, a partial or full-unfinished basement, central air-conditioning and a multi-car garage. Three comparables have a fireplace. The improvement assessments range from \$14.01 to \$15.05 per square foot of living area. The board of review's evidence disclosed that the board's comparable four sold in October 2006 for \$80,300.

At hearing, the board's representative argued the appellant's comparable one sold in foreclosure and is 26% larger in size of living area as compared to the subject. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

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

When market value is the basis of the appeal the value of the property must be proved 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 arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having reviewed the record and considering the evidence, the Board finds the appellant has satisfied this burden.

The Board finds that both parties submitted sales data on five suggested comparables. The Property Tax Appeal Board further finds the appellant's comparables two, three and four to be the most similar properties to the subject in the record. They consist of two-story, single-family dwellings of masonry or frame and masonry construction located within one and one-half mile of the subject. The improvements range in size from 3,704 to 4,372 square feet of living area and range in age from four to eleven years old. The comparables contain two and one-half or three and one-half bathrooms, a full-unfinished basement, central air-conditioning, a fireplace and a three-car attached garage. These properties sold May 2009 to March 2010 for prices ranging from \$445,000 to \$553,000 or from \$120.14 to \$133.25 per square foot of living area, including land. In comparison, the subject's assessment reflects a market value of \$754,539 or \$187.70 per square foot of living area and falls above the range established by similar properties. The Board finds the two remaining sales comparables differ from the subject in improvement size and/or age and accorded less weight.

Therefore, the Property Tax Appeal Board finds that the subject had a fair market value of \$535,674 as of January 1, 2009. Since the fair market value of the subject has been established, the Department of Revenue's 2009 three-year median level of assessments for Cook County Class 2 property of 8.90% will apply. In applying the three-year median level of assessment to the subject, the total assessed value is \$47,675, while the subject's current total assessed value is above this amount at \$67,154. Therefore, the Property Tax Appeal Board finds a reduction is warranted.

As a final point, the appellant argued that the subject's market value was diminished due to its location within a flood zone and proximity to railroad tracks. The Board finds this argument unpersuasive in that the appellant failed to provide any substantive evidence to show how the subject's market value was negatively impacted.

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

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Acting 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 20, 2012

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.