



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

APPELLANT: Robert Fanning  
DOCKET NO.: 09-21978.001-R-1  
PARCEL NO.: 25-31-441-001-0000

The parties of record before the Property Tax Appeal Board are Robert Fanning, the appellant, by attorney Brian S. Maher, of Weis, DuBrock, Doody & Maher 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:

**LAND:** \$ 6,764  
**IMPR.:** \$ 19,767  
**TOTAL:** \$ 26,531

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 48,579 square feet of land improved with two buildings. The first building contains a one-story, 1,943 square feet of above grade commercial area used as a restaurant. The second building contains a 106-year old, two-story, frame, multi-family dwelling with 5,944 square feet of living 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 submitted a copy of an appraisal report with an effective date of January 1, 2008. The appraiser estimated a market value for the subject of \$190,000, based upon development of the sales comparison

approach to value. The subject was inspected by the appraiser on February 3, 2009. Based upon this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$27,299. The subject's assessment reflects a market value of \$244,532 using the Cook County Ordinance level of assessment for class 5a and 2, commercial and residential property.

In support of the subject's market value as to the commercial property, the board submitted raw sales data was submitted for three properties identified with retail/storefront or retail/fast food designations. 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 in an unadjusted range from \$109.17 to \$522.92 per square foot of building area, while the buildings ranged in size from 2,400 to 3,000 square feet.

As to the residential property, the board of review submitted property characteristic printouts on five properties. They were improved with a two-story, masonry, multi-family dwelling with varying amenities. They ranged in building size from 3,100 to 4,224 square feet of living area and in improvement assessments from \$5.50 to \$6.18 per square foot. The subject's improvement assessment is \$5.00 per square foot.

Moreover, the board of review's cover memorandum stated that the data was not intended to be an appraisal or an estimate of value and should not be construed as such. The memorandum indicated that the information provided therein had been collected from various sources that were assumed to be factual and reliable; however, it further indicated that the writer hereto had not verified the information or sources and did not warrant its accuracy. 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. After submission of evidence, the parties waived the right to hearing.

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, 331Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 appellant has met this burden and that a reduction is warranted.

In determining the fair market value of the subject property, the Board thoroughly considered the parties' evidence and finds the best evidence to be the appellant's appraisal. The Board finds the appraisal persuasive due to the appraiser's personal inspection of the subject property, while the sale comparison approach to value was developed in estimating the subject's market value. Moreover, market data was used to obtain improved sale comparables while providing sufficient detail regarding each sale as well as appropriate adjustments, where necessary.

The Board further finds that the board of review submitted raw, unadjusted sales data.

Therefore, the Board finds that the subject property contained a market value of \$190,000 for tax year 2009. Since the market value of the subject has been established, the three-year median level of assessment as determined by the Illinois Department of Revenue for class 2, residential property of 8.90% as well as the Cook County Ordinance level of assessment for class 5A, commercial property will apply. 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.

*Ronald R. Crit*

Chairman

*K. L. Fan*

Member

*Richard A. Huff*

Member

*Mario M. Lino*

Member

*J. R.*

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: March 21, 2014

*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.