FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Brian Great
DOCKET NO.: 09-26225.001-R-1
PARCEL NO.: 12-15-305-003-0000

The parties of record before the Property Tax Appeal Board are Brian Great, the appellant, 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:

LAND:	$ 42,782
IMPR.:	$ 31,533
TOTAL:	$ 74,315

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property contains 37,625 square feet of land improved with two buildings. The first improvement is a part one-story and part two-story, masonry, mixed-use building which is 118 years old with a 22-year old addition thereto. This mixed-use improvement contains 7,254 square feet of building area and contains a commercial unit on the ground floor with one apartment on the second floor. The second improvement is a metal storage shed with 2,980 square feet of building area.

The appellant argued that the market value of the subject property was not accurately reflected in its assessed value as the bases of this appeal.

In support of the market value argument, the appellant, via counsel, submitted an appraisal undertaken by William Shulman and Mitchell Perlow. The appraisal report states that Shulman is an associate real estate appraiser, while Perlow holds the designations of certified general real estate appraiser as well as Member of the Appraisal Institute. The appraisers stated that the subject had an estimated market value of $835,000 as of January 1, 2007.

The appraisal report utilized all three of the traditional approaches to value. In addition, the appraisal report states that the subject property was inspected on July 3, 2008.

As to the subject's highest and best use, as vacant, the appraisers opined that commercial development conforming to zoning was best, while the subject's highest and best use, as improved, was its present use.

Under the cost approach, the appraisers used five land sales. The properties sold from July, 2004, through September, 2007, for prices that ranged from $11.64 to $19.12 per square foot. The appraisers estimated a land value for the subject of $15.00 per square foot or $565,000, rounded. Using the Marshall Valuation Service, the appraisers estimated a replacement cost new for the subject of $870,480. Less total depreciation from all sources estimated at 70% while adding the land value and on-site improvements resulted in a market value estimate under this approach of $840,000, rounded.

Under the income approach, the appraisers referred to five rental properties ranging in rental area from 1,600 to 5,600 square feet with net rent ranging from $12.00 to $15.00 per square foot of building area. The appraisers estimated potential gross income of $14.00 per square foot or $101,556. Less 10% for vacancy and collection loss and expenses resulted in a net income of $74,726. Capitalizing this net income by 9.00% resulted in a value estimate of $830,000, rounded.

Under the sales comparison approach, the appraisers analyzed the sales of five suggested comparables located in suburbs neighboring the subject property. They are each improved with an one-story, masonry building. They range in improvement size from 3,000 to 6,522 square feet of building area. These suggested comparables sold from July, 2004, to October, 2006, for prices that ranged from $70.35 to $125.08 per square foot of building area, including land. Based on the similarities and differences of the comparables when compared to the subject, the appraisers estimated a value for the subject under the sales comparison approach to value of $115.00 per square foot or $835,000, rounded. The appraiser accorded maximum emphasis on the sales comparison approach with seconding emphasis on the income approach to value. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal" wherein the subject's final assessment of $108,806 was disclosed. The subject's final assessment yields a fair market value of $1,222,539 or $119.46 per square foot based upon 10,234 square feet of building area when the Illinois Department of Revenue three-year median level of assessment for tax year 2009 relating to class 2 properties of 08.90% is applied.

The board's analysis referred to five similarly classified properties located within the subject's township. These five properties reflected market values from $55.06 to $138.13 per square foot of building area, while the subject's market value is $119.46 per square foot. Therefore, the analysis recommended an increased in the subject's assessment using the median level of market value reflected by the suggested comparables resulting in a total assessment of $112,248.

After reviewing the record and considering the evidence, the Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of this appeal. After submission of the parties' evidence, the appellant 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. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). Having considered the evidence presented, the Board finds that the evidence indicates reduction is warranted.

The Board finds the best evidence of the subject's building size and market value to be the appellant's appraisal. The Board finds that the appellant's appraisers utilized one of the three traditional approaches to value in developing the subject's market value. The Board also finds the appraisal to be persuasive for the appraisers: have 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 where necessary. Furthermore, the Board finds that the board of review's analysis also recommended a reduction in the subject's market value.

Thereby, the Board finds that the subject property contained a market value of $835,000. Since the market value of the subject has been established, the Illinois Department of Revenue's three-year median level of assessment for tax year 2009 relating to class 2 property of 08.90% 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.

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: July 19, 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.