



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

APPELLANT: Bradd O'Brien
DOCKET NO.: 09-28219.001-R-1
PARCEL NO.: 05-30-401-020-0000

The parties of record before the Property Tax Appeal Board are Bradd O'Brien, the appellant, by attorney Mitchell L. Klein of Schiller Klein PC 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: \$37,622
IMPR: \$71,403
TOTAL: \$109,025**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property has a parcel of 34,410 square feet of land area that is improved with a two-story dwelling of masonry construction. The dwelling is approximately 48 years old and has 3,956 square feet of living area with a partial finished basement, central air conditioning, two fireplaces, and a three-car attached garage.¹ The subject property is classified as a class 2-08 residential property under the Cook County Real Property Assessment Classification Ordinance and is located in Winnetka, New Trier Township, Cook County.²

¹ The board of review claims the subject has a parcel of 29,508 square feet and the subject dwelling is 45 years old with 3,928 square feet of living area. The board of review provided the subject's property characteristic sheets to support these claims. The appraiser claims the subject's parcel is 34,410. The appraiser provided the parcel's dimensions (164.84' by 208.75') to support this claim. In addition, the appraiser listed the subject dwelling's living area as 3,956 and provided a schematic drawing as well as calculations to support this claim. The appraiser claims the subject dwelling was built in 1961. The Board accepts the appraiser's claims as to the size of the subject's parcel and the dwelling's age and living area.

² Class 2-08 is a two or more story residence, any age, 3,801 to 4,999 square feet.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal report in which a market value of \$1,225,000 or \$309.66 per square foot of living area, land included, was estimated for the subject property as of January, 2009. The appraiser developed the sales comparison approach and the cost approach in order to estimate the market value of the subject property. Under the cost approach, the appraiser estimated that the subject property had a market value of \$1,158,000.

Under the sales comparison approach, the appraiser considered three comparable properties that sold from May to October 2009 for prices that ranged from \$1,095,000 to \$1,400,000 or from \$289.08 to \$300.65 per square foot of living area, land included. The three comparable sale properties have lot sizes that range from 21,800 to 30,821 square feet of land area, and they are located from 0.88 to 1.54 miles from the subject property. Comparables #2 and #3 are described as being two-story in design, and comparable #1's design is described as a Cape Cod. The dwellings have masonry or frame and masonry exterior construction. The dwellings are from 35 to 56 years old and contain from 3,720 to 4,843 square feet of living area. One dwelling has a partial finished basement, and the other two comparables have unfinished basements, either full or partial. Each comparable has central air conditioning, from one to four fireplaces, and a two-car garage. Two of the comparables have in-ground pools.

The appraiser analyzed the three comparable sale properties in order to determine what adjustments needed to be made to their sale prices. After identifying differences between the comparable properties and the subject, the appraiser made adjustments to the sale prices. The largest adjustments were for differences in gross living area, in-ground pools, and basements and basement finish. As a result, the adjusted sale prices of the comparable properties ranged from \$1,120,000 to \$1,294,000 or from \$267.19 to \$301.08 per square foot of living area, land included. On the basis of these three comparable sales, the appraiser concluded that the subject property had a market value of \$1,225,000 as of January 1, 2009.

The appellant's attorney requested that subject's assessment should be calculated by applying the 9.06% median level of assessments for Class 2 residential property in Cook County to

the estimate of market value contained in the appraisal report.³ Based on this record, counsel requested the subject's total assessment be reduced to \$110,985.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$176,073 was disclosed. The subject's assessment reflects a market value of \$1,978,348 or \$500.09 per square foot of living area, land included,⁴ using the 2009 three year median level of assessments for Class 2 property in Cook County of 8.90% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.50(c)(2)).

The board of review presented descriptions and assessment information on three equity properties. The board of review also provided a list of twenty properties that sold from May 1990 to March 2006 for prices that ranged from \$360,000 to \$2,170,242. Descriptive evidence for these sale properties was not provided. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney noted that the board of review had failed to address the appellant's market value argument.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted.

³ The appellant is relying on a preliminary three year median level of assessment on class 2 property in Cook County for 2009. The final three-year median level of assessment on class 2 property in Cook County for 2009 was 8.90%.

⁴ This calculation was based on the subject having 3,956 square feet of living area.

In this appeal, the Board finds that the board of review presented no substantive or descriptive market value evidence. The Board gives no weight to the equity evidence submitted by the board of review as it is not responsive to the appellant's appeal. The board of review did provide a list of twenty sale properties but descriptive evidence for these properties was not provided.

The Board finds the appellant's appraisal report is the best evidence of the subject's market value as of the January 1, 2009 assessment date. The appraiser estimated a market value of \$1,225,000 or \$309.66 per square foot of living area, land included, for the subject property as of January 1, 2009. The subject's assessment reflects a market value of \$1,978,348 or \$500.09 per square foot of living area, land included, using the 2009 three year median level of assessments for Class 2 property in Cook County of 8.90% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.50(c)(2)). The subject's market value as reflected by its assessment is in excess of the market value estimate contained in the appraisal report.

Based on this record the Board finds the subject property had a market value of \$1,225,000 as of January 1, 2009. Since market value has been determined the 2009 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.90% shall apply. (86 Ill.Admin.Code §1910.50(c)(2)).

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: February 21, 2014



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.