



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

APPELLANT: Carmen Di Miele  
DOCKET NO.: 10-23616.001-C-1  
PARCEL NO.: 19-33-108-001-0000

The parties of record before the Property Tax Appeal Board are Carmen Di Miele, the appellant; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$ 22,839  
IMPR: \$ 68,086  
TOTAL: \$ 90,925**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject has 10,441 square feet of land that is improved with a 27 year old, one-story, masonry and concrete block, commercial retail building. The subject's improvement size is 3,500 square feet of building area, and its total assessment is \$90,925. This assessment yields a fair market value of \$363,700, or \$103.91 per square foot of building area (including land), after applying the 25% assessment level for commercial properties under the 2010 Cook County Classification of Real Property Ordinance. The appellant, via counsel, argued that the fair market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellant submitted a commercial appraisal report for the subject property with an effective date of January 1, 2010. The appraisers estimated a fair market value for the subject of \$270,000 based on the cost, income, and sales comparison approaches to value. An inspection of the subject was also conducted.

Under the sales comparison approach, the appraisers analyzed the sales of six properties. Two of the properties were all cash sales. For five of the sales, the interest transferred was leased fee while the sixth was fee simple. The properties ranged in size from 3,175 to 9,955 square feet of building area. The

sales ranged in price from \$67.35 to \$186.83 per square foot of building area, including land, and in sale date from October 2008 to August 2010. 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 \$90,925 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 five commercial office, commercial retail, or restaurant buildings located within two and one-half miles of the subject. 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 comparables are described as one-story, commercial office, commercial retail, or restaurant buildings. Additionally, the comparables are from 12 to 57 years old, and have from 3,192 to 4,385 square feet of building area. The comparables sold between October 2006 and June 2009 for \$540,000 to \$1,050,000, or \$169.17 to \$253.38 per square foot of building area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney, Tina Zekich, indicated that one of the two appraisers had passed away, however, the other appraiser would not be testifying at the hearing. The board of review's representative indicated the adjustments made by the appraiser were questionable. No objection was made to the submission of the appraisal, however.

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.

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 a reduction is not warranted.

The Board finds that the appraisal is unpersuasive as the appraiser was not present to testify at the hearing as to how adjustments were made for building size, financing conditions, and the type of property interest transferred. Therefore, the Board accords diminished weight to this appraisal and finds that the estimate of value for the subject property is unreliable.

However, the Board will analyze the unadjusted sales of both the appellant and the board of review. The parties submitted 11 sales comparables suggested as comparable to the subject. The Board finds that comparables #1 through #3 submitted by the appellant are the most similar to the subject in location, use, sale date and building size. These comparables are commercial retail strip centers located in either Chicago or Oak Lawn. They range in building size from 3,175 to 4,900 square feet. Additionally, these properties sold from October 2008 to August 2010 for prices ranging from \$230,000 to \$800,000, or \$67.35 to \$186.83 per square foot of building area, including land. In comparison, the subject's assessed value reflects a market value of \$103.91 per square foot of building area which is within the range of these comparables. After considering adjustments based on the similarities and differences in the comparables when compared to the subject, the Board finds the subject's per square foot assessment is supported and a reduction in the subject's assessment is not 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: October 18, 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.