



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

APPELLANT: Comar Properties
DOCKET NO.: 10-34677.001-R-1
PARCEL NO.: 19-23-202-008-0000

The parties of record before the Property Tax Appeal Board are Comar Properties, the appellant, by attorney Steven B. Pearlman of Steven B. Pearlman & Associates in Chicago; 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: \$2,790
IMPR.: \$21,934
TOTAL: \$24,724

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2010 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a two-story, mixed-use building of masonry construction. The building is approximately 79 years old and has 2,956 square feet of building area. Features of the building include four commercial/apartment units, a partial unfinished basement and a 2½-car garage. The property has a

3,100 square foot site and is located in Chicago, Lake Township, Cook County. The subject is classified as a class 2-12 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument, the appellant submitted information on three equity comparables. The appellant also submitted a brief that additionally claimed the subject's assessment should reflect a 62.5% occupancy factor. An occupancy affidavit was also filed with the brief.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$24,724. The subject property has an improvement assessment of \$7.42 per square foot of building area. In support of its contention of the correct assessment, the board of review submitted information on four equity comparables.

The appellant's attorney submitted a rebuttal brief addressing the proximity of both parties' equity comparables to the subject.

Conclusion of Law

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Both parties submitted information on seven suggested equity comparables that had the same assigned neighborhood code as the subject. However, the appellant's comparables #2 and #3 had significantly more building area than the subject and received reduced weight in the Board's analysis. The board of review's comparables #3 and #4 had considerably less building area than the subject and also received reduced weight. The Board finds the best evidence of assessment equity to be appellant's

comparable #1 and board of review comparables #1 and #2. These three comparables were very similar to the subject in building area. In addition, the appellant's comparable #1 was most similar to the subject in location, and board of review comparables #1 and #2 were very similar to the subject in age. These comparables had improvement assessments that ranged from \$6.63 to \$8.63 per square foot of building area. The subject's improvement assessment of \$7.42 per square foot of building area falls within the range established by the best comparables in this record. Based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

The appellant also made a vacancy argument in the form of a brief written by counsel with support documentation. Counsel indicated the subject's improvement assessment should be further reduced by a vacancy factor of 37.5%. The appellant submitted an owner's occupancy affidavit which showed the subject's commercial unit had a vacancy rate of 0% for the 2010 tax year, but the apartment unit/s had a vacancy rate of 75%. Counsel averaged these two amounts to arrive at the subject's vacancy factor of 37.5%. The Board finds that no substantive explanation was given for averaging the vacancy rates of the building's commercial and residential units. More importantly, the Board finds the appellant submitted no evidence of market value or vacancy rates for similar type properties. Without this evidence, the Board finds it is impossible to know if the vacancy rate is a result of location, economics, poor management, above market asking rents or any of a number of other relevant factors that were not disclosed. The Board finds there is no evidence in the record to indicate the market value reflected in the assessment is not indicative of the subject's value in 2010 when vacancy is considered.

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

K. L. Fen

Member

[Signature]

Member

Mark Albino

Member

Jerry White

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: June 26, 2015

[Signature]

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.