PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: John Thodos
DOCKET NO.: 04-20939.001-R-2
PARCEL NO.: 01-04-403-016-0000

The parties of record before the Property Tax Appeal Board are John Thodos, the appellant, by attorney Joanne P. Elliott of Elliott & Associates in Des Plaines, Illinois; the Cook County Board of Review; and Barrington Community Unit School District No. 220, the intervenor, by attorney Ares G. Dalianis of Franczek Sullivan P.C. in Chicago.

The subject property is improved with a 4-year-old, two-story dwelling of masonry construction containing 10,092 square feet of living area. Features of the dwelling include a full basement finished as a recreation room, central air conditioning, six fireplaces, and a two-car attached garage. The property is located in Barrington Hills, Barrington Township, Cook County.

The appellant's petition indicated unequal treatment in the assessment process and overvaluation based on recent construction as the bases of the appeal. Only the improvement assessment was challenged. On the face of the appeal petition, appellant requested an improvement assessment of $121,298 or $12.02 per square foot of living area.

In support of the inequity argument, the appellant presented a grid analysis with descriptions and assessment data on seven suggested comparable properties in the same neighborhood code as the subject as assigned by the assessor. The comparables were described as two-story frame, masonry or frame and masonry dwellings that range in age from 4 to 20 years old. Features of the comparables include six full basements and one partial basement; three of the basements have been finished as recreation rooms. Each comparable has central air conditioning and from one to six fireplaces. Each comparable has either a three or four-car garage. The comparables range in size from 6,002 to 15,697 square feet of living area and have improvement assessments ranging from $81,100 to $195,397 or from $12.45 to $16.70 per square foot of living area. The subject's improvement assessment is $221,297 or $21.93 per square foot of living area. Based on this equity evidence, the appellant requested a reduction in the

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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:	$	19,222
IMPR.:	$	161,472
TOTAL:	$	180,694

Subject only to the State multiplier as applicable.

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subject's improvement assessment to $148,453 or $14.71 per square foot of living area.

Appellant's appeal petition also included data on recent construction which was completed in June 2001 and set forth a net building cost of $760,434. Since the land was purchased ten years ago, the assessor's land value of $192,220 was also set forth. In addition, an affidavit of the owner was filed stating the total construction costs of the subject property were $860,860.22. Documentation was attached to the petition purportedly listing a breakdown of the disbursements made through an account at Chicago Title Insurance Company. Additionally, in a brief prepared by counsel for the appellant, it was claimed that the original chimney and foundation were found to be structurally unsound; these items were removed, redesigned and replaced by appellant who was in litigation over these matters and still awaiting reimbursement. In the brief counsel indicated that $38,000 for the chimney and $62,426 for the foundation have been deducted from total construction costs for the net construction cost figure of $760,434. Based on the foregoing, in the brief appellant requested an assessment of $95,265 based on a total market value of $952,654 ($760,434 + $192,220) with application of a 10% level of assessment.

Lastly, appellant's appeal noted a favorable decision issued for the 2002 assessment of the subject property in docket number 02-20127.001-R-1 wherein a total assessment finding of $131,681 was made. Moreover, this instant appeal asserted that an appeal for 2003 had been filed.

The board of review submitted its "Board of Review Notes on Appeal" wherein the Board's final assessment of $240,519 was disclosed. The subject's assessment reflects an estimated market value of $2,407,598 using the using the 2004 three-year median level of assessments for Cook County Class 2 property of 9.99% as determined by the Illinois Department of Revenue. (86 Ill. Admin. Code §1910.50(c)(2)(A) & (B)).

In support of the assessment, the board of review presented a grid analysis of three suggested comparable properties located in the same subdivision as the subject, with two located on the same street as the subject. The comparables were described as two-story masonry or frame and masonry single-family dwellings that range in age from 6 to 39 years old. The dwellings feature partial or full basements, all of which have been finished as recreation rooms. Each dwelling includes central air conditioning, one or two fireplaces, and two or four-car garages. The dwellings range in size from 3,293 to 7,872 square feet of living area and have improvement assessments ranging from $77,446 to $267,940 or from $23.03 to $34.04 per square foot of living area. The only market value evidence presented by the board of review was the June 2004 purchase price of its comparable 1 for $2,500,000. Also among the data filed by the board of review was evidence of the purchase price for the subject property as a vacant lot in June 1993 for $575,000. This land has a 2004 land assessment of $19,222. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The intervenor Barrington Community Unit School District No. 220 adopted the evidence filed by the Cook County Board of Review as set forth in a letter from intervenor's counsel. (86 Ill. Admin. Code §1910.99(b)).

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

As to previous appeals on the subject property before the Property Tax Appeal Board, records of the Board reveal that the 2003 appeal was withdrawn. Thus, Section 16-185 of the Property Tax Code does not apply to this appeal. (35 ILCS 200/16-185). Additionally, the Board recognizes that 2004, the subject of this appeal, was the start of a new triennial reassessment cycle in Barrington Township.

When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. <u>National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board</u>, 331 Ill.App.3d 1038 (3rd Dist. 2002); *Official Rules of the Property Tax Appeal Board*, 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. *Official Rules of the Property Tax Appeal Board*, 86 Ill. Admin. Code §1910.65(c).

The Board finds the appellant has not overcome this burden. The appellant presented construction costs for the subject dwelling totaling either $860,860 or $760,434, depending upon the treatment of the chimney and foundation costs which are in litigation. The dwelling was completed in June 2001; the assessment date at issue is January 1, 2004. The Board finds the costs submitted are insufficient to determine value for the subject improvement as of the assessment date at issue.

Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. <u>Kankakee County Board of Review v. Property Tax Appeal Board</u>, 131 Ill. 2d 1 (1989). After an analysis of the assessment data, the Board finds the appellant has met this burden.

The parties submitted a total of ten comparables for the Board's consideration. Appellant's comparable 1 and board of review comparable 2 have been given less weight in the Board's analysis due to their substantially older age than the subject dwelling. Less weight was also given in the Board's analysis to appellant's comparables 2, 3 and 4 and to board of review's comparables 1 and 3 due to their significantly smaller living area square footage than the subject property. Thus, appellant's comparables 5, 6 and 7 were found to be most similar to the subject dwelling in size, design, location and age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from $15.48 to $16.70 per square foot of living area. The subject's improvement assessment of $21.93 per square foot of living area is above this range. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is not supported and a reduction in the subject's assessment 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: August 29, 2008

Eileen 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.