

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Stanley Nieminski
DOCKET NO.: 05-26564.001-C-1
PARCEL NO.: 09-36-407-038-0000

The parties of record before the Property Tax Appeal Board are Stanley Nieminski, the appellant, by attorney Michael Fiandaca of Chicago, Illinois; and the Cook County Board of Review.

The subject property is a 3,100 square foot parcel improved with an 57-year old, one-story style commercial building of masonry construction containing 2,608 square feet of building area. The improvement has 2,358 square feet of office area and 250 square feet of warehouse space. The subject is located in Jefferson Township, Cook County.

The appellant, through counsel, presented evidence before the Property Tax Appeal Board arguing unequal treatment in the assessment process. The appellant submitted information on four comparable properties described as one-story or two-story masonry buildings that are from 44 and 73 years old for consideration. The comparables are sited on parcels ranging in size from 3,100 to 7,920 square feet. The comparables contain from 1,628 to 7,800 square feet of building area and have improvement assessments ranging from \$4.81 to \$16.67 per square foot of building area. The subject's improvement assessment is \$69,267 or \$26.56 per square foot of building area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final improvement assessment was disclosed. The board of review presented a memorandum from Ralph F. DiFebo Jr. suggesting that the sales of five properties in the subject's general area support the subject's assessment. The board also offered the Cook County Assessor's sale information sheets with some descriptive and sale data for the comparables. The properties sold from November 2002 to September 2006 for prices ranging from \$285,000 to \$650,000 or from \$123.91 to \$306.46 per square foot. The memorandum also revealed that

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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:	\$	9,025
IMPR.:	\$	27,400
TOTAL:	\$	36,425

Subject only to the State multiplier as applicable.

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typical adjustments to the comparable sales were not made. Further, the memorandum disclosed that research conducted by the assessor's office indicated that income from a 2,608 square foot commercial building would fall within a range from \$4.50 to \$23.00 per square foot; expenses in a range from 0% to 15%; and a capitalization rate in a range from 9.00% to 14.50%. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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. The Board further finds a reduction in the subject's assessment is warranted.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. 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. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellant has met this burden.

Initially, the Property Tax Appeal Board finds that the board of review failed to address the appellant's contention that the subject was inequitably assessed. Therefore the Board places little weight on the board of review's evidence.

The Board finds the comparables submitted by the appellant were most similar to the subject in design, exterior construction, location and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments ranging from \$4.81 to \$16.67 per square foot of building area. The subject's improvement assessment of \$26.56 per square foot of building area is substantially above this range. After considering adjustments and the differences in the comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is not supported and a reduction in the subject's assessment is warranted.

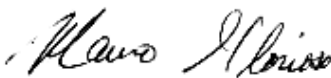
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



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: February 20, 2009



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.