



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

APPELLANT: Al Snyder
DOCKET NO.: 06-25693.001-C-1 through 06-25693.016-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Al Snyder, the appellant, by attorney Michael T. Reynolds of Rieff, Schramm, Kanter & Guttman, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
06-25693.001-C-1	18-16-205-014-0000	6,360	0	\$6,360
06-25693.002-C-1	18-16-205-015-0000	6,351	0	\$6,351
06-25693.003-C-1	18-16-205-016-0000	6,342	0	\$6,342
06-25693.004-C-1	18-16-205-017-0000	7,753	0	\$7,753
06-25693.005-C-1	18-16-205-018-0000	5,784	0	\$5,784
06-25693.006-C-1	18-16-205-019-0000	5,861	10,175	\$16,036
06-25693.007-C-1	18-16-205-020-0000	7,751	0	\$7,751
06-25693.008-C-1	18-16-205-021-0000	9,327	0	\$9,327
06-25693.009-C-1	18-16-205-022-0000	9,317	0	\$9,317
06-25693.010-C-1	18-16-205-023-0000	7,779	0	\$7,779
06-25693.011-C-1	18-16-205-024-0000	6,424	0	\$6,424
06-25693.012-C-1	18-16-205-025-0000	5,784	0	\$5,784
06-25693.013-C-1	18-16-205-026-0000	7,676	0	\$7,676
06-25693.014-C-1	18-16-205-027-0000	6,326	0	\$6,326
06-25693.015-C-1	18-16-205-028-0000	6,326	0	\$6,326
06-25693.016-C-1	18-16-205-029-0000	6,326	0	\$6,326

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcels totaling approximately 4.5-acres of land area were subdivided in 2005 into 16 lots ranging in size from 8,320 to 13,417 square feet of land area. Infrastructure improvements

on the parcels were not commenced until early 2006 and were not completed until October 1, 2006. The property is located in Countryside, Lyons Township, Cook County.

The appellant's petition included an affidavit of the appellant/owner of the parcels attesting to the fact the various infrastructure improvements were not completed until October 1, 2006. In addition, the appellant contends that the assessments of these parcels reflect a market value of \$4.25 per square foot of land area which is excessive based on three suggested comparable parcels located near the subject property. The comparables range in size from 29,500 to 275,212 square feet of land area. The three equity comparables reflect vacant land assessments with values of \$1.00, \$2.50 and \$2.75 per square foot of land area. In light of this equity data, the appellant contends the subject's valuation should be no more than \$2.75 per square foot of land area from January 1, 2006 until October 1, 2006 when the infrastructure improvements were completed.

Noting that there are three parcels identified as -014, -019 and -025 include improvement assessments, the appellant contends only parcel -019 has improvements which have been completed and for which an occupancy permit has been issued. (Copy of the Certificate of Compliance and Occupancy issued by the City of Countryside was included with the appeal petition.) As the occupancy permit was issued on October 4, 2006, the appellant contends the improvements would be assessed at 16% for only 24.4% of the 2006 assessment year in accordance with Section 9-180 of the Property Tax Code (35 ILCS 200/9-180).

In summary, the appellant requested a land valuation for the 16 parcels of \$2.75 per square foot for the first 9 months of 2006 or the 75% of the year when there were no infrastructure improvements completed and at \$4.25 per square foot for the last 3 months of 2006 or 25% of the year after the infrastructure improvements were completed. "This will result in a hybrid unit valuation of \$3.16 per square foot for the 2006 assessment year."¹ In addition, there should be no improvement assessment to parcels -014 and -025 as the improvements were incomplete and no occupancy permit was issued. As to the improvement assessment on parcel -019, the appellant contends the assessment should commence as of October 4, 2006 when the occupancy permit was issued.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of each of the 16 parcels was disclosed. The total assessment of the subject property of \$162,893 reflects a market value of approximately \$1,609,615, using the 2006 three-year median level of assessments for Class 2 property in Cook County of 10.12% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(2)(A)).

¹ Counsel for the appellant estimated the subject's land value based on the 16% level of assessment and then applied the 22% level of assessment for vacant land to arrive at a proposed land assessment.

In support of the subject's assessment, the board of review presented a grid analysis with four comparables with both sales and equity data for each of the properties. The board of review described the subject parcel as -014 being improved with a two-story masonry dwelling that was 1 year old and contains 2,537 square feet of living area with a recreation room in the basement, central air conditioning, a fireplace and a 2.5-car garage. The four comparables consist of two-story masonry dwellings that were either 1 or 4 years old. The homes range in size from 2,733 to 3,186 square feet of living area. Features include a full unfinished basement, central air conditioning, one or two fireplaces and a two-car or a three-car garage. The parcels range in size from 6,300 to 8,989 square feet of land area. These properties sold between May 2003 and February 2005 for prices ranging from \$265,000 to \$740,000 or from \$83.18 to \$248.41 per square foot of living area, including land. These properties have improvement assessments ranging from \$48,978 to \$73,435 or from \$17.92 to \$23.05 per square foot of living area. The subject parcel of -014 was reported to have a prorated improvement assessment of \$4,530 or \$1.79 per square foot of living area.

Based on the foregoing, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant's counsel contended that the board of review's submission was non-responsive and fails to refute the appellant's contentions that the subject parcels were primarily vacant for the 2006 assessment year and only one parcel was improved during the assessment year.

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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessments.

The appellant contends the subject parcels were overvalued as of January 1, 2006 and only one parcel had a completed dwelling with an occupancy permit that was issued in October 2006. 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 documentation evidencing a recent sale of the subject property or the cost of construction. 86 Ill.Admin.Code §1910.65(c)(2) & (3). The Board finds the appellant did meet this burden of proof and a reduction in the subject's assessment is warranted.

The appellant argued the value of the improvements should not be assessed during construction until such time as an occupancy permit was issued. The appellant reported that only parcel -019 was under construction during 2006 and had an occupancy permit

issued. The other 15 parcels on appeal were vacant in 2006 and should be assessed as vacant until the infrastructure improvements were completed in October 2006.

The Property Tax Appeal Board finds that the board of review did not address the appellant's argument that the subject parcels, except for -019, should not be assessed during 2006 due to the fact the parcels were vacant and/or had a home under construction with no occupancy permit was issued in 2006. The Board finds the equity comparables and the comparable sales submitted by the board of review did not address or refute the appellant's argument.

Based on this record, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is appropriate.

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.



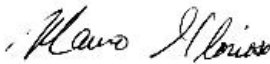
Chairman



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: _____

November 22, 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.