



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

APPELLANT: Paul Gauer
DOCKET NO.: 09-21513.001-R-1
PARCEL NO.: 14-29-423-051-0000

The parties of record before the Property Tax Appeal Board are Paul Gauer, the appellant; 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:

LAND: \$16,320
IMPR.: \$39,305
TOTAL: \$55,625

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 20-year old, two-story, masonry, single-family dwelling containing 2,389 square feet of living area. Amenities include three full and one half-baths, three bedrooms, central air conditioning, two fireplaces and a detached two-car garage. The appellant argued that the fair market value of the subject is not accurately reflected in its assessed value and that the square footage of the subject's site is inaccurate.

The appraiser indicated the site area is 2,781 square feet based on a plat of survey that was not included in the appraisal, while the assessor's records indicated that the site contains 2,550 square feet.

In support of the market value argument, the appellant submitted an appraisal authored by Sara Chambers. The report indicates Chambers holds the designation of a State of Illinois certified residential real estate appraiser. The appraiser personally inspected the interior and exterior of the subject, as well as the exterior of the sales comparables, and indicated the subject has an estimated market value of \$625,000 as of January 1, 2009.

The appraisal report utilized the sales comparison approach to value to estimate the market value for the subject property.

Under the sales comparison approach, the appraiser analyzed the sales of three properties located within a one-half mile radius of the subject property. According to the appraiser, all three of these comparables were similar to the subject due to inferior appeal and layout to the typical homes in the Lincoln Park area. The comparables are either a two-story row house or a two and one-half story single-family dwelling with frame or masonry exterior construction. Amenities include one and one-half or two and one half-baths, two or three bedrooms, central air conditioning, one or two fireplaces, and a one or two-car garage. The properties contain from 1,336 to 3,025 square feet of living area and sold in July 2008 for prices ranging from \$510,000 to \$760,000, or from \$251.24 to \$381.74 per square foot of living area, including land. The appraiser adjusted each of the comparables for pertinent factors. Chambers also noted that based on her exterior inspection, measurements, and multiple listing service description, comparable #3 differed in actual improvement square footage from the assessor's records and contained a greater square footage of living area than that indicated by the assessor's records. The appraiser also noted that the subject is located next to the Elevated ("L") tracks. Since the time the subject was purchased in 2003, the "L" tracks have been expanded and are closer to the subject and a maintenance station and support beam have been added as well. As such, the appraiser's opinion of value is at the lower end of the range of adjusted values. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject of \$625,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$112,086 was disclosed. This assessment reflects a market value of \$1,259,393 using the Illinois Department of Revenue's 2009 three year median level of assessment of 8.9% for Cook County Class 2 property. In support of the subject's assessment, the board of review presented descriptions and assessment information, as well as photographs, on a total of four properties suggested as comparable and located within the subject's neighborhood. One of the properties is located within a one-quarter mile radius of the subject. The properties are described as a 10-year old, two or three-story, masonry, single-family dwelling with two full and one half-baths, three or four bedrooms, central air conditioning, one fireplace for two properties, and a two or two and one-half-car garage. The properties range in size from 2,396 to 2,866 square feet of living area and in improvement assessment from \$40.18 to \$46.18 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant stated that the board's comparables were not good comparables primarily due to their location. The subject is adjacent to the "L" tracks while the

board's comparables are not, as indicated by a color map submitted by the appellant. Additionally, the appellant indicated all four comparables are superior to the subject and sold within the last five years for prices greater than that of the subject property.

At hearing, the appellant testified that three "L" lines run all day long past the subject property as indicated in the pictures he submitted. He also testified that the "L" expansion project occurred after his purchase in 2003 and that 2009 sale prices in his neighborhood are below those of 2003. The board of review's representative argued that the board's comparables are similar to the subject in location, size and amenities. He also argued that the 2003 sale price of the subject was irrelevant. The board of review's representative additionally stated that the appellant's appraiser used three comparables that vary greatly in age, size and style from the subject property, with no adjustment indicated for age. The appellant, in rebuttal, then clarified his written rebuttal with a color map indicating where the board's comparables were located in relation to the subject property as well as a chart indicating the most recent sale prices for those comparables.

After considering the testimony as well as reviewing 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.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). 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. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the Board concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property and the subject's site square footage, the Board finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the sales comparison approach to value in determining the subject's market value.

The Board finds this appraisal to be persuasive for the appraiser: has experience in appraising; personally inspected the interior and exterior of the subject property and reviewed the property's history; and used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary. The appraiser indicated that she performed an exterior inspection of

all suggested comparables and relied on this inspection, as well as measurements and the multiple listing service, in order to determine the comparables' correct square footage of living area.

The Board gives little weight to the board of review's comparables as they do not address the appellant's market value argument.

Therefore, the Board finds that the subject property had a market value of \$625,000 for the 2009 assessment year. Since the market value of the subject has been established, the Illinois Department of Revenue's 2009 three year median level of assessment of 8.9% for Cook County Class 2 property will apply. In applying this level of assessment to the subject, the total assessed value is \$55,625 while the subject's current total assessed value is above this amount. Therefore, the Board finds that a reduction 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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 28, 2012

Allen 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.