



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

APPELLANT: Peter Wachowski
DOCKET NO.: 09-31281.001-R-1
PARCEL NO.: 17-06-413-023-0000

The parties of record before the Property Tax Appeal Board are Peter Wachowski, the appellant, by attorney Brian P. Liston of the Law Offices of Liston & Tsantilis, P.C. 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: \$9,180
IMPR.: \$46,472
TOTAL: \$55,652

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 2009 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, multi-family dwelling of masonry construction. The building is approximately 119 years old and has 3,150 square feet of living area. Features include three apartment units, a full unfinished basement and a fireplace. The property has a 2,700 square foot site and is located in Chicago, West Chicago Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information on three comparable sales that sold from August 2007 to May 2008 for prices that ranged from \$475,000 to \$622,000 or from \$121.92 to \$294.51 per square foot of living area, land included, or from \$79,167 to \$311,000 per rental unit.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$55,652. The subject's assessment reflects a market value of \$556,520 or \$176.67 per square foot of living area, including land, or \$185,507 per rental unit, when applying the 10% level of assessment for class 2 residential properties under the Cook County Real Property Assessment Classification Ordinance. In support of its contention of the correct assessment, the board of review submitted information on four comparables to demonstrate the subject was being equitably assessed. The board of review also presented a sale price for one of the equity comparables. Comparable #4 sold in February 2006 for a price of \$525,000 or for \$171.23 per square foot of living area, land included, or for \$131,250 per rental unit.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The board of review presented four equity comparables; however, the Board finds the board of review's equity evidence was not responsive to the appellant's overvaluation argument. The board of review also provided a dated sale price for one of these comparables. Comparable #4 sold in February 2006, which was nearly three years prior to the assessment date. As a result, the Board gave the board of review's evidence little weight.

In Section V - Comparable Sales Grid Analysis of the appeal form, the appellant submitted information on three comparable sales. Comparable #1 has two apartment units and sold in August

2007 for a price of \$311,000 per rental unit.¹ Comparable #2 has five apartment units and sold in April 2008 for a price of \$79,167 per rental unit. Comparable #3 has four apartment units and sold in May 2008 for a price of \$131,250 per rental unit. Comparables #1 and #2 were similar to the subject in age, and comparables #2 and #3 were similar to the subject in exterior construction, size and foundation. The appellant provided a map showing the proximate location of the subject property and the comparable sales. The appellant's map revealed that the comparables were not located near the subject property. Despite these differences, the Board finds that the comparables' sale prices on a unit basis support the subject's assessment. The comparables sold for prices that ranged from \$79,167 to \$311,000 per rental unit. The subject's assessment reflects a market value of \$185,507 per rental unit that is within the range established by the appellant's comparable sales. Based on this evidence, the Board finds no reduction in the subject's assessment is warranted.

¹ The appellant presented conflicting evidence regarding comparable #1. In the grid analysis, the appellant indicated that comparable #1 has 2,112 square feet of living area and two apartment units. The appellant also presented a sales data sheet which revealed that comparable #1 has 3,700 square feet of living area and four apartment units. The appellant did not provide an explanation for these discrepancies.

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

Klaus Albino

Member

[Signature]

Member

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: July 24, 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.