



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

APPELLANT: Anthony Rizza  
DOCKET NO.: 10-23273.001-C-1  
PARCEL NO.: 19-31-111-014-0000

The parties of record before the Property Tax Appeal Board are Anthony Rizza, the appellant(s), by attorney John P. Fitzgerald, of Fitzgerald Law Group, P.C. in Burr Ridge; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, 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:** \$79,698  
**IMPR.:** \$7,802  
**TOTAL:** \$87,500

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 2010 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 single-story, single-tenant, owner-occupied commercial building containing 12,290 square feet of building area. The subject property is currently being used as an auto repair/sales facility. The appellant argued that the market value of the subject property is not accurately reflected in its assessed value. The property has a 37,505 square foot site and is located in Bridgeview, Stickney Township, Cook County.

The appellant contends overvaluation as the basis of the appeal. In support of this overvaluation argument, the appellant submitted an appraisal undertaken by Thomas W. Grogan and Thomas Setina. The report indicates Mr. Grogan and Mr. Setina are State of Illinois certified general appraisers. The appraiser indicated the subject has an estimated market value of \$350,000 as of January 1, 2010. The appraisal report utilized the sales comparison approach to value to estimate the market value for the subject property. The appraisal report included exterior photographs of

the subject's improvement and comparables, location map, and floor plan. The appraisal finds highest and best use in its present use.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$141,426. The subject's assessment reflects a market value of \$565,704 when using the level of assessment for class 5-97 properties of 25% as determined by the Cook County Real Property Classification Code. In support of its contention of the correct assessment, the board of review submitted five CoStar sale comparables.

At hearing, the appraiser reviewed the five sale comparables analyzed in the appraisal. Under the sales comparison approach, the appraiser testified that he analyzed the sale of five buildings located within the subject's market. The properties contain between 6,500 and 28,415 square feet of building area. The comparables sold from March 2009 to November 2010 for prices ranging from \$140,000 to \$550,000 or from \$19.36 to \$30.46 per square foot of building area, including land. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated the value for the subject under the sales comparison approach was \$350,000.

He testified that the sale comparables were all arm's length transactions. He noted that REO sales and bank owned sales may be considered arm's length transaction if they are advertised for sale on the open market for an adequate amount of time. He also noted that sale comparable #3 was a car dealership and not an REO sale. In support, the appellant's attorney submitted a copy of the deed showing the seller was Spirit Master Funding IV, LLC and the CoStar listing sheet confirming the sale. Appraiser further testified that adjustments were made based on land to building ratio, age, location, size, and market conditions. Lastly, appraiser testified that high building ratios were better suited for car dealerships.

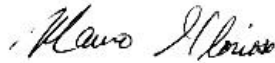
On cross examination by the board of review analyst, the appraiser testified that the subject contains nine loading docks but could not answer the subject's percentage of finished space and ceiling heights. Appraiser also confirmed that an interior inspection was not conducted and appraiser relied on a prior appraisal dated September 15, 2008. The board of review further questioned the appraiser on the number of loading docks, overhead height, percentage of finished space, ceiling heights, and showroom space for each sale comparable. Appraiser did not know the loading docks number for comparable #3, the percentage of finished space for comparables #1-#4 and ceiling heights for #1-#3. Lastly, the board of review analyst reviewed the five CoStar sale comparables submitted by the board of review. The analyst confirmed that he had no information regarding the comparables' ceiling heights and percentage of finished space. Lastly, the analyst also testified that no adjustments were made to the board of review's sale comparables.

### **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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The appellant's appraiser utilized the sales comparison approach to value in determining the subject's market value. The Board finds this appraisal persuasive because the appraiser has experience in appraising, reviewed the property's history, and used similar properties in the sales comparison approach while providing adjustments that were necessary. The appraisal also utilized market data to obtain sales comparables while providing sufficient detail regarding each sale in estimating the subject's market value. The Board gives little weight to the board of review's evidence as it was raw sales data that did not make any adjustments for age, exterior construction, improvement size, improvement type, location, or market conditions. The subject's assessment reflects a market value of \$350,000 which is above the best evidence of market value in the record. The Board finds the subject property had a market value of \$350,000 as of the assessment date at issue. Since market value has been established, the level of assessment for class 5-97 properties of 25% as determined by the Cook County Real Property Classification Ordinance shall apply.

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



Acting Member

DISSENTING: \_\_\_\_\_

CERTIFICATION

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: January 27, 2017



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.