



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

APPELLANT: Cary Kochman
DOCKET NO.: 11-21084.001-R-2
PARCEL NO.: 05-27-404-005-0000

The parties of record before the Property Tax Appeal Board are Cary Kochman, the appellant(s), by attorney Thomas J. McNulty, of Neal, Gerber & Eisenberg in Chicago; the Cook County Board of Review; the New Trier Twp. H.S.D. #203, and Village of Wilmette, and Wilmette Park District, and Wilmette S.D. #39, intervenors, by attorney Scott L. Ginsburg of Robbins Schwartz Nicholas Lifton Taylor in Chicago.

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: \$ 66,420
IMPR.: \$363,580
TOTAL: \$430,000

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 2011 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 two improvements. Improvement #1 is an 83 year-old, two-story dwelling of masonry construction. The parties differed as to the size of the living area. Features of Improvement #1 include a full finished basement, central air conditioning, three fireplaces and a two-car garage. Improvement #2 is an 83 year-old, two-story dwelling of masonry construction containing 795 square feet of living area. Features of Improvement #2

include a slab foundation and one fireplace. The property has a 32,800 square foot site and is located in New Trier Township, Cook County. The property is a Class 2 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 an appraisal estimating the subject property had a market value of \$4,300,000 as of January 1, 2011. The appraisal disclosed the dwelling contained 6,194 square feet of living area. The appraisal also included a sketch of the interior of the dwelling with dimension measurements and a statement from the appraiser that he personally inspected the interior of the dwelling. The appraiser compared the subject to nine properties that sold from July 2009 through October 2011 and applied adjustments to each on various key property characteristics. The appellant requested a total assessment reduction to \$430,000 when applying the 2011 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$550,000. The subject's assessment reflects a market value of \$5,500,000 when applying the 2011 level of assessment of 10.00% for Class 2 property 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 unadjusted suggested sales comparables for Improvement #1 and none for Improvement #2.

In support of their contention of the correct assessment, the intervenors submitted an appraisal estimating the subject property had a market value of \$5,600,000 as of January 1, 2011. The appraiser included a letter disclosing that he conducted a limited inspection of the subject that included only the exterior because "access to the property was not available for an interior inspection." This appraisal used the sales comparison approach for four sales that occurred from July 2007 through December 2010. It included adjustments for various key property characteristics, such as time, land area, building area, coach houses, fireplaces and number of bathrooms and bedrooms.

In rebuttal, the intervenors argued that the comparables used by the appellant's appraisal should be given diminished weight because they were dissimilar to the subject in various key property characteristics. The intervenors did not address the adjustments the appellant's appraiser made to the comparables. The intervenors reaffirmed the request that the Board deny the appellant's request for an assessment reduction.

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, for the purposes of this appeal, that the subject contained 6,194 square feet of living area because the appraisal included a sketch with measurements of the interior of the dwelling and a statement from the appraiser that he personally inspected the interior of the building. In contrast, the intervenors' appraiser did not inspect the interior of the subject's dwelling and the board of review did not submit information in support of its disclosure that the dwelling contained 6,957 square feet of living area.

The appellant's appraisal compared the subject to nine comparables that sold proximately in time to the 2011 tax lien year and applied adjustments to each of the nine comparables on various key property characteristics to account for dissimilarities to the subject. In contrast, the intervenors' appraisal did not include an inspection of the interior of the subject's dwelling and based its conclusions, in part, on a comparable that sold in July 2007. Further, the intervenors' rebuttal argument ignores that the appellant's appraisal made adjustments to its comparables. Therefore, the Board finds the best evidence of market value to be the appraisal submitted by the appellant. The Board finds the subject property had a market value of \$4,300,000 as of the assessment date at issue. Since market value has been established, the 2011 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment 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

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: May 20, 2016



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.