



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

APPELLANT: Mary Dodas
DOCKET NO.: 11-29945.001-C-1
PARCEL NO.: 17-10-212-005-0000

The parties of record before the Property Tax Appeal Board are Mary Dodas, the appellant(s), by attorney George N. Reveliotis, of Reveliotis Law, P.C. in Park 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: \$ 93,750
IMPR.: \$ 28,750
TOTAL: \$122,500

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 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 contains a one-story restaurant building of masonry construction with 2,450 square feet of building area. The building was constructed in stages in 1973 and 1989. The subject property has a 2,500 square foot site and is located at 215 East Grand Avenue in North Chicago Township, Chicago, Cook County and is a Class 5-17 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. The appraiser developed the sales comparison and cost approaches. The appraiser used five land only sales comparables to determine an estimated market value of the land at \$375,000. For the sales comparison approach, the appraiser disclosed six improved sales comparables, ranging from 2,400 to 5,807 square feet of building area. Of these improved sales comparables, one was used as a retail/residential condominium, one as a

medical office, two as retail offices, and two as restaurants. Adjustments for both land only and improved comparables were made with plus, minus and equal signs to designate whether they were superior, inferior or not of significant difference to the subject. A map was included in the report disclosing the location of the subject and the six improved sales comparison properties. A distance scale was provided in the lower right corner. The report also included five color photographs of the subject: three exterior and two interior. The appraiser's estimate of market value under the sales comparison approach for improved properties was \$480,000. In the cost approach, the appraiser used the Marshall & Swift Valuation Service to estimate the square footage replacement cost of the subject's improvement. The appraiser determined a square foot cost of \$75.08 per square foot and applied multipliers for refinements, height and locality. The result was an estimated refined cost of \$93.85 per square foot. After accounting for the depreciation factors of physical deterioration and external obsolescence, there being no functional obsolescence, and adding the land value of \$375,000, the appraiser's opinion of the subject's value for the cost approach was \$500,000. The reconciled market value of the sales comparison and cost approaches was \$490,000 as of the effective date of January 1, 2011. The appellant requested a total assessment reduction to \$122,500 when applying the 2011 level of assessment of 25.00% for Class 5 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 \$153,124. The subject's assessment reflects a market value of \$612,496, or \$250.00 per square foot of building including land, when applying the 2011 level of assessment of 25.00% for Class 5 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 seven unadjusted suggested sales comparables.

At hearing, the appellant offered Susan Ulman as an expert witness. The Board accepted Ulman as an expert in the theory and practice of real estate appraisal, without objection from the board of review. Ulman was the president of Zimmerman Real Estate Group, the company that prepared the appellant's appraisal report. She assigned the appraisal job to Shawn Schneider, an appraiser in her company. Ulman testified that Schneider selected five land sales comparables and six improved sales comparables. She supervised her work and reviewed sales comparables selected for preparation of the appraisal report. She also looked at other sales comparables, but ultimately concurred with Schneider with her selection of the comparables used in the report. Ulman stated that both she and Schneider signed the report and that she adopted it as her work.

Ulman testified that the subject contained a 2,450 square foot free-standing restaurant building situated on a 2,500 square foot site approximately one and one-half blocks from Michigan Avenue. The subject property had no parking and had a "very small land to building ratio." Ulman characterized all the land only and improved comparables as "very similar" to the subject and, like the subject, in "desirable locations." Ulman testified that each comparable was adjusted in comparison to the subject based on whether the comparable was inferior, superior or not significantly different than the subject on some key property characteristics. Ulman opined that the subject's market value was \$490,000. On cross-examination, Ulman testified that the comparables did not need adjustments for location in comparison to the subject because each of

them was in a “very active, desirable” location. Ulman conceded that most of the improved sales comparables were not in close proximity to the subject, but were not adjusted as significantly divergent from the subject. She also conceded that some of the land comparables were not in close proximity to the subject, but that land comparable #4 was the only one with a downward adjustment for location. She testified that land comparable #4 was in a mostly residential neighborhood, but did not know what percentage was residential. She stated that the subject restaurant had a choppy layout due to construction but conceded that the appraisal report did not include a photograph of the layout. Ulman stated that she inspected the subject only in 2016 in preparation for testimony at the hearing before the Board.

The board of review representative rested on the evidence previously submitted.

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 with supporting testimony submitted by the appellant. The Board finds the subject property had a market value of \$490,000 as of the assessment date at issue. Since market value has been established, the 2011 level of assessment of 25.00% for Class 5 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



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: October 21, 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.