



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

APPELLANT: Randolph Valenta
DOCKET NO.: 12-26090.001-C-1
PARCEL NO.: 18-04-214-031-0000

The parties of record before the Property Tax Appeal Board are Randolph Valenta, the appellant(s), by attorney Adam E. Bossov, of the Law Offices of Adam E. Bossov, P.C. in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$ 17,415
IMPR.: \$172,977
TOTAL: \$190,392

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 2012 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, 7,200 square foot retail/office building built in 1909. It is situated on a 5,805 square foot site. The property is located in Lyons Township, Cook County. The subject is classified as a class 5-92 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant, via counsel, argued that the subject property was improperly classified as commercial Class 5 property when it should be classified as residential Class 2 property. The appellant indicated that construction to convert the second floor office space into residential apartments began in 2011 and continued into mid-2012. As evidence the appellant included a property record card, a general affidavit signed by the owner indicating construction began in December 2011, evidence that the proposed 2012 assessment of \$263,470 was reduced by the assessor to \$190,392 due to vacancy during 2012, and a letter from the Village of LaGrange. The

letter is dated May 17, 2012 and states that once a Certificate of Occupancy is issued, most likely within 8 to 10 weeks, the subject will qualify for a change in classification. The appellant failed to submit a copy of the Certificate of Occupancy, however. Lastly, the appellant also provided a copy of a letter from a managing partner of the LLC to the assessor indicating that construction should be completed in July 2012 and a classification change would be appropriate. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$91,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$190,392. The subject's assessment reflects a market value of \$761,568, or \$105.77 per square foot, including land, when applying the assessment level of 10% as established by the Cook County Real Property Classification Ordinance. In support of its contention of the correct assessment, the board of review submitted information on seven sale comparables of retail/office properties. They ranged in sale price per square foot from \$162.54 to \$297.46. Based on this evidence, the board requested confirmation of the subject's assessment.

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.

In addressing the appellant's classification argument, the Board finds the appellant is not entitled to relief based on the evidence contained in the record. The evidence indicates a mixed-use building existed on the property for at least the first half of the 2012 tax year. The appellant's letter from the Village of LaGrange specifically indicates that the subject property would qualify for a classification change once a Certificate of Occupancy was issued. Additionally, the appellant notified the assessor that construction should be completed by July 2012. As the lien date for the subject property is January 1, 2012, the subject is not entitled to be reclassified as residential property during the 2012 tax year. The Board does note that the subject property was already the recipient of vacancy relief for that year.

Accordingly, the Board finds that the subject's classification for the 2012 tax year is correct and that a further reduction in the subject's assessment is not 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.



Chairman



Member



Member



Acting 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: _____

April 21, 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.