



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

APPELLANT: Joseph Pecora
DOCKET NO.: 12-27030.001-C-1
PARCEL NO.: 16-04-107-009-0000

The parties of record before the Property Tax Appeal Board are Joseph Pecora, the appellant(s), by attorney Timothy E. Moran, of Schmidt Salzman & Moran, Ltd 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 **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: \$ 23,055
IMPR.: \$ 138
TOTAL: \$ 23,193

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 (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject consists of a one-story building of masonry construction with 1,287 square feet of living area. The building is 42 years old. The property has a 6,148 square foot site, and is located in Chicago, West Chicago Township, Cook County. The subject is classified as a class 5-17 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument, the appellant submitted information on four equity comparables. The appellant's evidence argues that the subject's total market value per square foot of building area is inequitable as compared to these four comparables.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$26,267. The subject property has a land assessment of \$26,129, or \$4.25 per square foot of land area. The subject property has an improvement assessment of \$138, or \$0.11 per square foot of building area. The subject's assessment reflects a market value of \$105,068, or \$81.64 per square foot of building area, including land, when applying the 2012 statutory level of assessment for commercial property under the Cook County Real Property Assessment Classification Ordinance of 25.00%.

In support of its contention of the correct assessment, the board of review submitted information on six comparable sales from the CoStar Comps Service. The board of review's evidence also states that the subject was sold in March 2006 for \$175,000.

Conclusion of Law

"The assessor or deputy shall set down, in the books furnished for that purpose the assessed valuation of properties in one column, the assessed value of improvements in another, and the total valuation in a separate column." 35 ILCS 200/9-155. "The Property Tax Appeal Board generally considers appeals with respect to the correct valuation of property for assessment purposes based upon the following contentions: 1) the subject property is not accurately assessed *when its assessment is compared to the assessments of other, similar properties in its neighborhood...*" 86 Ill.Admin.Code §1910.65(a)(1) (emphasis added).

As such, the Board is required to address the subject's land assessment and improvement assessment separately. Moreover, section §1910.65(a)(1) of the Board's Rules is clear that the subject's total market value per square foot of building area is not the relevant inquiry in a challenge based on equity. Instead, the relevant inquiry is the subject's *assessment* as compared to the *assessment* of other similar properties. Therefore, the Board will separately look to the subject's land and improvement assessments as compared to the comparables submitted by the parties.

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did meet this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of assessment equity with regard to the subject's land to be appellant's comparables #2, #3, and #4. These comparables had land assessments that ranged from \$2.06 to \$3.94 per square foot of land area. The subject's land assessment of \$4.25 per square foot of land area falls above the range established by the best comparables in this record. Based on this record, the Board finds the appellant did demonstrate with clear and convincing evidence that the subject's land was inequitably assessed, and a reduction in the subject's land assessment is justified.

The Board finds the best evidence of assessment equity with regard to the subject's improvement to be appellant's comparables #1, #2, and #4. These comparables had improvement assessments that ranged from \$6.50 to \$8.17 per square foot of building area. The subject's assessment of \$0.11 per square foot of building area falls below the range established by the best comparables in this record. Based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed, and a reduction in the subject's improvement assessment is not justified.

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.