



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

APPELLANT: 676 Club, LLC
DOCKET NO.: 13-33019.001-R-2
PARCEL NO.: 17-09-214-007-0000

The parties of record before the Property Tax Appeal Board are 676 Club, LLC, the appellant(s), by attorney Christopher G. Walsh, Jr., Attorney at Law 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: \$48,425
IMPR.: \$ 6,575
TOTAL: \$55,000

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 2013 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, mixed-use building with 3,147 square feet of building area. The property has a 1,937 square foot site and is located in North Chicago Township, Cook County.

The appellant contends overvaluation and contention of law as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal completed by Patrick Maher estimating the subject property had a market value of \$550,000 as of January 1, 2013. In addition, the appellant submitted a brief arguing that the subject was misclassified as a Class 5-17 commercial property, when in reality the property consists of a bar/restaurant on the first floor and a residential apartment on the second floor.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$226,212. The subject's assessment reflects a market value of \$904,848 when applying the 2013 statutory level of assessments for class 5 property under the Cook County Real Property Assessment Classification Ordinance of 25%.

In support of its contention of the correct assessment the board of review submitted information on five suggested sales comparables.

At hearing, the appellant called Mr. Maher as the appellant's only witness. Mr. Maher testified that he is a certified real estate appraiser and has been the president of MP Real Estate Valuations since 2001. He also testified that he has been qualified previously as an expert witness before the Board on a handful of cases. Mr. Maher was accepted as an expert in property valuation without objection from the other parties.

Mr. Maher testified that he personally inspected the subject property on December 29, 2014. The inspection revealed that the first floor was currently utilized as a tavern and the second floor was a three bedroom and a full bathroom apartment. The two units had separate entrances/exits and utilities. Mr. Maher did not testify as to the details of the approaches to value utilized in the appraisal.

On cross examination by the board of review, Mr. Maher stated that he had not seen a lease for the second floor and is not certain whether the bar on the first floor is owner occupied. Mr. Maher also testified that he used only the sales comparable approach in which he made qualitative adjustments. The board of review argued appellant's appraisal should be given no weight because it utilized only the sales comparable approach.

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 that the subject is a mixed use building and should be assessed at a Class 2 level. The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The subject's assessment reflects a market value above the best evidence of market value in the record. The Board finds the subject property had a market value of \$550,000 as of the assessment date at issue. Since market value has been established the 2013 level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10% shall apply. (86 Ill.Admin.Code §1910.50(c)(2)).

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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Acting 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: September 22, 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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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