



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

APPELLANT: Jonathan Levy
DOCKET NO.: 14-35061.001-R-1
PARCEL NO.: 20-21-317-008-0000

The parties of record before the Property Tax Appeal Board are Jonathan Levy, the appellant, by attorney Abby L. Strauss, of Schiller Strauss & Lavin PC 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: \$3,437
IMPR.: \$17,871
TOTAL: \$21,308

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the 2014 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 three-story multi-family dwelling of masonry construction with 7,770 square feet of living area.¹ The dwelling was constructed in 1903 and has a full unfinished basement. The property has a 6,250 square foot site and is located in Chicago, Lake Township, Cook County. The subject is classified as a class 2-11 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 \$165,000 as of January 17, 2012. The appellant's appraisal included an income approach and a sales comparison approach in estimating a market value for the subject property. The income

¹ The parties differ as to the size of the subject's improvements; however, the Board finds the slight differences reported by the parties will not impact the Board's decision for this appeal.

approach indicated an estimated value for the subject of \$170,000. The appellant's appraisers selected four comparable properties for the income analysis that were located from .19 of a mile to 1.67 from the subject property.² The sales comparison approach indicated an estimated market value of \$165,000. The appellant's appraisers selected three comparable properties for the sales comparison analysis that were located from .53 of a mile to 3.57 miles from the subject property. The comparables had features with varying degrees of similarity to the subject. The comparables had sale dates ranging from April to October 2011 and sold for prices ranging from \$107,000 to \$160,000. Under reconciliation, the appellant's appraisers placed most weight on the sales comparison approach to arrive at an opinion of market value for the subject of \$165,000 as of January 17, 2012. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$21,308. The subject's assessment reflects a market value of \$213,080 or \$27.42 per square foot of living area including land, when using 7,770 square feet of living area and using the level of assessments for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment the board of review submitted a grid analysis containing information on four sales, one of which was located on the same street as the subject property. The comparables were two-story multi-family dwellings of frame construction that ranged in size from 1,900 to 3,642 square feet of living area. The comparables range in age from 114 to 124 years old and have other features with varying degrees of similarity to the subject. The sales occurred from January 2012 to July 2013 for prices ranging from \$80,000 to \$230,000 or from \$35.69 to \$93.95 per square foot of living area including land.

Under rebuttal, the appellant's attorney requested that the 2013 decision be rolled over to the tax year 2014.

Conclusion of Law

As an initial matter regarding the appellant's attorney's request to have the 2013 Property Tax Appeal Board's decision be rolled over to the tax year 2014, the Board finds the subject of the appeal is not subject to the "rollover" provision provided by section 16-185 of the Property Tax Code (35 ILCS 200/16-185). Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence **occupied by the owner** is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

² The appellant's appraisers used the property located at 5611 S. Emerald as both comparable #1 and comparable #4.

The appellant's attorney failed to acknowledge whether the subject is owner-occupied or not, and the appellant's address on the appeal form is not the same address as that of the subject property. Therefore, the Board finds the subject is not entitled to the "rollover" provision provided by section 16-185 of the Property Tax Code (35 ILCS 200/16-185).

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.

As an initial finding regarding the value conclusion arrived at from appellant's January 2012 appraisal for the subject property, the Board finds its effective date occurring 23 months prior to the January 1, 2014 assessment date would not be probative of the subject's market value as of the assessment date at issue.

As to the income analysis within the appraisal report, the courts have stated that where there is credible evidence of comparable sales these sales are to be given significant weight as evidence of market value. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is market data available. In Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (1989), the court held that of the three primary methods of evaluating property for the purpose of real estate taxes, the preferred method is the sales comparison approach. Since there are credible market sales contained in the record, the Board placed most weight on this evidence.

Although the comparables presented by the board of review differ from the subject dwelling in size, the Board finds the best evidence of market value to be the board of review's comparable sales #2, #3 and #4. These comparables were similar to the subject in location, use, age and some features. These comparables also sold more proximate in time to the January 1, 2014 assessment date at issue than did the comparable sales used in the appellant's appraisal and the remaining board of review's comparable #1. The three best board of review comparables sold from March to July 2013 for prices ranging from \$119,000 to \$230,000 or from \$35.69 to \$93.95 per square foot of living area, land included. The subject's assessment reflects a market value of \$213,080 or \$27.42 per square foot of living area, including land, which is within the range of the best comparables in this record on a total market value basis and below the range on a per square foot basis. After analyzing the 2011 sales from the appellant's appraisal and the more recent sales presented by the board of review, the Board finds a reduction in the subject's 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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



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: November 20, 2018



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

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