



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

APPELLANT: T & B Ventures, LLC
DOCKET NO.: 15-31291.001-R-1
PARCEL NO.: 17-05-319-057-0000

The parties of record before the Property Tax Appeal Board are T & B Ventures, LLC, the appellant, by attorney Scott Shudnow, of Shudnow & Shudnow, 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 **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: \$9,600
IMPR.: \$47,273
TOTAL: \$56,873

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 2015 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 two improvements. Improvement #1 is a three-story dwelling of frame construction with 2,130 square feet of living area. The dwelling is 132 years old and has a full unfinished basement. Improvement #2 is a two-story dwelling of frame construction with 864 square feet of living area. The dwelling is 132 years old and has a basement foundation. The property is located in Chicago, West Chicago Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.¹

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 \$482,500

¹ The Board finds the best evidence of the size of the subject's dwellings is the sketch of the improvements within the appellant's appraisal.

as of January 1, 2015. The appellant's appraisal included an income approach and a sales comparison approach in estimating a market value for the subject property. The appellant's appraiser selected six rental comparable properties for the income analysis that were located from .03 to .44 of a mile from the subject property. The comparables were two-story, three-story and four-story mixed-use buildings or multi-family dwellings. The appraisal did not disclose the total square footage of the comparable buildings. The comparables had other features with varying degrees of similarity to the subject. The income approach indicated an estimated value for the subject of \$485,000.

For the sales comparison approach, the appellant's appraiser selected five comparable properties that were located from .35 of a mile to 1.56 miles from the subject property. The comparables were two and one-half, three or three and one-half story multi-family dwellings that ranged in size from 3,594 to 5,400 square feet of living area. Three of the comparables also had a coach house. The comparables had other features with varying degrees of similarity to the subject. The comparables had sale dates ranging from September 2013 to July 2015 and sold for prices ranging from \$385,000 to \$820,000 or from \$106.11 to \$203.98 per square foot of living area, including land. The sales comparison approach indicated an estimated market value of \$480,000.²

Under reconciliation, the appellant's appraiser placed considerable weight on the sales comparison approach in determining the final opinion of value for the subject of \$482,500 as of January 1, 2015. The appraiser further opined in the final reconciliation, that the income capitalization approach would be given considerable weight for an investor in estimating the final opinion of value. 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 \$56,873. The subject's total assessment reflects a market value of \$568,730 or \$189.96 per square foot of living area including land, when using 2,994 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 that were located in the same neighborhood code as the subject. The comparables were two or three-story multi-family dwellings of frame or masonry construction that ranged in size from 3,144 to 4,158 square feet of living area. The comparables range in age from 122 to 137 years old and have other features with varying degrees of similarity to the subject. The sales occurred from May 2014 to December 2015 for prices ranging from \$683,000 to \$1,210,000 or from \$190.73 to \$291.01 per square foot of living area, including land. The board of review's evidence also included an assessment grid analysis containing four comparables to further support the subject's assessment.

The appellant submitted rebuttal critiquing the board of review's submission.

² On page #4, marked as Page 3 at the bottom, the appraisal erroneously indicated a value by the market approach as "\$380,000".

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.

The appellant submitted an appraisal estimating the subject property had a market value of \$482,500 as of January 1, 2015. The Board has given less weight to the value conclusion derived from the appraisal due to the following concerns. In the income approach, the appraiser included a mixed-use building which is dissimilar to the subject's multi-family dwelling. Furthermore, the appraiser's final value conclusion apparently was adjusted due to the income capitalization approach because the appraiser opined that the income capitalization approach would be given considerable weight for an investor in estimating the final opinion of value. However, 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.

As to the sales data within the appraisal, the Board finds two of the comparables are located over a mile from the subject property and another comparable had a sale date of September 2013, which would not be probative of the market as of the January 1, 2015 assessment date.

Therefore, the Board finds the best evidence of market value to be the board of review's comparable sales, as well as the appellant's appraisal's comparables #4 and #5. These comparables were most similar to the subject in location, design, age, size and features. These comparables also sold most proximate in time to the January 1, 2015 assessment date at issue. These best comparables sold from May 2014 to December 2015 for prices ranging from \$683,000 to \$1,210,000 or from \$164.69 to \$291.01 per square foot of living area, land included. The subject's assessment reflects a market value of \$568,730 or \$189.96 per square foot of living area, including land, which is below the range of the best comparables in this record on a total market value basis and within the range on a per square foot basis. Based on this evidence 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: October 16, 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

AGENCY

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