



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

APPELLANT: Patrick Thelan
DOCKET NO.: 15-31305.001-R-1
PARCEL NO.: 16-11-117-040-0000

The parties of record before the Property Tax Appeal Board are Patrick Thelan, the appellant, by attorney David Lavin, 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: \$3,123
IMPR.: \$10,945
TOTAL: \$14,068

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 a two-story, multi-family dwelling of frame and masonry construction. The dwelling is approximately 112 years old and has 2,012 square feet of living area. Features of the dwelling include two apartment units and a full unfinished basement.¹ The property has a 2,975-square foot site and is located in Chicago, West Chicago Township, Cook County. The property is a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

¹ With its "Notes on Appeal", the board of review described the subject property as having frame exterior construction, a concrete slab foundation, and a one-car garage. The appellant's appraiser stated the subject has frame and masonry exterior construction and a full unfinished basement but does not have a garage. Since the appraiser stated that he had inspected the subject property, the appraiser's statement regarding the subject's characteristics is regarded as having better support.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal report dated February 11, 2016, estimating the subject property had a market value of \$80,000 as of January 1, 2015. The appraiser developed the sales comparison approach for estimating the market value of the subject property. Under the sales comparison approach, the appraiser considered five comparable properties that sold from October 2013 to April 2015 for prices that ranged from \$52,000 to \$110,000 or from \$26.94 to \$46.14 per square foot of living area, land included, or from \$26,000 to \$55,000 per apartment unit. The appraiser disclosed each comparable was listed for sale with a multiple listing service, and the comparables were on the market from 15 to 139 days. The comparables have sites that range from 3,000 to 4,000 square feet of land area. The appraiser provided a map depicting the location of the subject and the comparable properties. The comparable properties are located in the same general area as the subject. The comparable properties are improved with two-story, multi-family dwellings of masonry construction. The dwellings range in age from 94 to 125 years old and range in size from 1,808 to 2,971 square feet of living area or from 904 to 1,485 square feet of living area per apartment unit. After identifying differences between the comparable properties and the subject, the appraiser made small adjustments to the sale prices for differences in lot size or age/condition but did not make any adjustments for differences in sale date. The appraiser determined that the adjusted sale prices of the comparable properties ranged from \$26.94 to \$46.14 per square foot of living area, land included. As a result, the appraiser concluded that the subject property had a market value of \$40 per square foot of living area or \$80,000 as of January 1, 2015. Based upon the appraisal, the appellant requested that the subject's total assessment be reduced to \$8,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$14,068. The subject's assessment reflects a market value of \$140,680 or \$69.92 per square foot of living area, land included, when applying the 10% level of assessment for class 2 residential properties under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales that sold from October 2014 to October 2015 for prices that ranged from \$145,000 to \$175,000 or from \$61.60 to \$91.34 per square foot of living area, land included. The comparable sales have the same assigned neighborhood and classification codes as the subject. The comparables have sites that range from 3,125 to 4,500 square feet of land area. The comparables are improved with two-story, multi-family dwellings of frame or masonry construction. The dwellings range in age from 105 to 122 years old and contain from 1,916 to 2,354 square feet of living area. Each comparable has a full unfinished basement. The board of review did not provide information regarding the number of apartment units; however, each comparable dwelling has two full bathrooms. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney asserted that the board of review did not submit any documentation regarding its comparable sales and had not adjusted their sale prices for differences from the subject property.

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 report estimating the subject property had a market value of \$80,000 as of January 1, 2015. The Board gave less weight to the appraisal report due to dated sales. The appraiser's comparables #2 and #3 sold in November and October 2013, respectively. The Board finds these sales to be dated and not indicative of market value as of the January 1, 2015 assessment date. In addition, comparable #2 had significantly more living area than the subject. The Board finds these differences undermined the appraiser's conclusion of value.

The Board finds the best evidence of market value in the record to be the appraiser's comparables #1, #4 and #5 and the comparables submitted by the board of review. These properties sold from May 2014 to October 2015 for prices that ranged from \$65,000 to \$175,000 or from \$31.68 to \$91.34 per square foot of living area, land included. The Board finds these seven comparables were two-story, multi-family dwellings located in the same general neighborhood as the subject and they were also similar to the subject in age and living area. Moreover, these comparables had sale dates that were proximate to the assessment date. The subject's assessment reflects a market value of \$140,680 or \$69.92 per square foot of living area, including land, which falls within the range established by the best comparable sales in the record. Based upon the evidence in the record, 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

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: June 19, 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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