



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

APPELLANT: Hank Pietraszek
DOCKET NO.: 15-37780.001-R-1
PARCEL NO.: 14-33-318-010-0000

The parties of record before the Property Tax Appeal Board are Hank Pietraszek, 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: \$25,920
IMPR.: \$165,317
TOTAL: \$191,237

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 three-story dwelling of masonry construction. The dwelling is approximately 16 years old and has 3,783 square feet of living area. Features of the home include a full finished basement, central air conditioning, three fireplaces and a three-car garage. The property has a 2,880-square foot site and is located in Chicago, North Chicago Township, Cook County. The subject is classified as a class 2-78 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 report dated May 5, 2016, estimating the subject property had a market value of \$1,200,000 as of January 1, 2015. The appraisal was prepared by Audrey Clamage, a State of Illinois certified real estate appraiser. The appraiser developed the sales comparison approach and the cost approach but gave primary emphasis to the sales comparison

approach for estimating the market value of the subject property. Using the cost approach, the appraiser estimated a market value of \$1,341,100. Under the sales comparison approach, the appraiser considered three comparable properties that sold from January to June 2014 for prices that ranged from \$1,100,000 to \$1,215,000 or from \$300.00 to \$379.69 per square foot of living area, land included. The comparables were located from 0.19 to 0.27 mile from the subject property and have sites that range from 2,725 to 3,000 square feet of land area. The comparable properties are improved with two or three-story dwellings of masonry or frame construction. The dwellings range in age from 19 to 100 years old; however, the dwelling that was identified as being 100 years old was described as having been renovated. The dwellings range in size from 3,279 to 4,000 square feet of living area. Two of the comparables have full finished basements, and one comparable did not have a basement. Each comparable has central air conditioning, a fireplace, and a two-car garage. After identifying differences between the comparable properties and the subject, the appraiser made adjustments to the sale prices for differences in living area, number of bathrooms, and lack of a basement with finished area. The appraiser did not make adjustments for differences in story height, age, and exterior construction. The appraiser determined that the adjusted sale prices of the comparable properties ranged from \$1,135,200 to \$1,279,150 or from \$298.54 to \$399.73 per square foot of living area, land included. As a result, the appraiser concluded that the subject property had a market value of \$1,200,000 as of January 1, 2015. Based upon the appraisal, the appellant requested that the subject's total assessment be reduced to \$120,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$191,237. The subject's assessment reflects a market value of \$1,882,254 or \$497.56 per square foot of living area, including land, when applying the 2015 three-year average median level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10.16% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales that sold from May 2014 to June 2015 for prices that ranged from \$2,340,000 to \$3,050,000 or from \$627.51 to \$819.01 per square foot of living area, land included. The comparables have the same assigned neighborhood and classification codes as the subject. Their sites range from 2,889 to 3,125 square feet of land area. The comparables are improved with two or three-story dwellings of masonry construction. The dwellings range in age from four to thirteen years old and contain from 3,475 to 3,738 square feet of living area. The comparables have full basements, three of which have finished area; central air conditioning; and two-car garages. Three comparables have from one to three fireplaces. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The appellant's attorney submitted a rebuttal, in which counsel critiqued the board of review's market evidence.

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.

In this appeal, the appellant submitted an appraisal report dated May 5, 2016, that gave primary emphasis to the sales comparison approach to value. The appraiser analyzed three comparable sales that occurred from January to June 2014 in order to estimate the subject's market value as of January 1, 2015. The Board finds that the comparables utilized in the appraisal differed significantly from the subject in living area, age and/or story height. Comparable #2 was two-story in design, not three-story like the subject; comparables #1 and #2 had significantly less living area than the subject; and comparable #3 was considerably older than the subject. In addition, comparable #3 sold nearly a year prior to the January 1, 2015 assessment date but received no adjustment for its earlier sale. As a result, the Board has given diminished weight to the conclusions contained in the appellant's appraisal and has examined the raw sales presented by both parties.

The Board finds board of review's comparables #1 and #4 to be the best evidence of the subject's market value as of the January 1, 2015 assessment date. These comparables sold in October 2014 and February 2015 for prices of \$2,800,000 and \$2,850,000 or for \$805.76 and \$762.44 per square foot of living area, land included. The Board finds these comparables sold more proximate to the assessment date than the sales relied on by the appraiser. In addition, board of review comparables #1 and #4 had the same assigned neighborhood code as the subject and were also very similar in story height, exterior construction, age, living area and features. The subject's final assessment of \$191,237 reflects a market value of \$1,882,254 or \$497.56 per square foot of living area, including land, when applying the 2015 three-year average median level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10.16% as determined by the Illinois Department of Revenue. The subject's assessment reflects a market value that falls below the best sales in the record. Based on the evidence contained in the record, the Board finds the appellant has not shown by a preponderance of the evidence that the subject is overvalued as reflected by its assessment and no change in the assessment is 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: 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

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Hank Pietraszek, by attorney:
Abby L. Strauss
Schiller Strauss & Lavin PC
33 North Dearborn
Suite 650
Chicago, IL 60602

COUNTY

Cook County Board of Review
County Building, Room 601
118 North Clark Street
Chicago, IL 60602