



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

APPELLANT: Brian Boyle
DOCKET NO.: 15-40457.001-R-1
PARCEL NO.: 18-33-322-004-0000

The parties of record before the Property Tax Appeal Board are Brian Boyle, the appellant, by attorney Robert Rosenfeld of Robert H. Rosenfeld and Associates, LLC 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: \$15,200
IMPR.: \$29,300
TOTAL: \$44,500

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 2014 Final Administrative Decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 three, walk-up, 2-story multi-family dwellings with a total of 7,923 square feet of living area of aluminum and vinyl construction. The dwellings were constructed in 1944. The dwellings contain nine apartment units that feature one full bath each and a gravel parking space. One unit is a studio apartment, five of the units each have one bedroom and three of the units each have two bedrooms. The property has a 38,000 square foot site and is located in Willow Springs, Lyons 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 \$465,000 as of July 29, 2014. The appraisal was prepared by Charles A. Benson, Jr., an Illinois Certified

General Real Estate Appraiser. In estimating the market value of the subject property, the appraiser developed the sales comparison approach, arriving at an estimated market value of \$475,000 and the income approach to value, arriving at an estimated market value of \$445,000. In reconciling the two approaches to value, the appraiser stated the subject "is an income producing property that is bought and sold based on its investment potential. Investors consider market data and potential income in making their investment decisions." Thus, the appraiser gave equal weight to both approaches to value to arrive at an estimated market value of \$465,000.

The appellant also submitted a copy of the 2014 Property Tax Appeal Board Final Administrative Decision (Docket #14-23995.001-R-1) in which the total assessment was lowered to \$47,750. The subject's 2014 assessment reflects a market value of \$477,750 or \$60.23 per square foot of living area including land using the Cook County Real Property Assessment Classification Ordinance level of assessment for Class 2 property of 10%. In the decision, the Board found that, prior to the hearing, the parties reached an agreement as to the correct assessment of the subject property.

Based on this evidence, the appellant requested the subject's 2015 total assessment be reduced to \$47,750.

The board of review submitted its "Board of Review Notes on Appeal."¹ The subject's total assessment of \$60,187 reflects a market value of \$601,870 or \$75.96 per square foot of building 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%.

In support of its contention of the correct assessment the board of review submitted information on three comparable properties, two of which have sold. The comparables are described as one, 1.5-story and two, 2-story dwellings of masonry or frame and masonry exterior construction ranging in size from 1,500 to 2,274 square feet of living area. The board of review reported that one comparable has a crawl space foundation and two comparables each have a full unfinished basement. The comparables each feature a one-car garage. The comparables have sites ranging in size from 4,080 to 6,373 square feet of land area. Two comparables sold for prices of \$330,000 and \$380,000 or \$145.12 and \$215.42 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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.

¹ The board of review failed to disclose the 2015 assessment for the subject property which was gleaned from the appeal petition submitted by counsel for the appellant.

The Board gives reduced weight to the final opinion of value in the appraisal report because of the lack of adjustments to the comparables. The Board finds that based on the subject's income producing use as a multi-family dwelling the best evidence of market value is the income approach developed by the appraiser. Less weight was given to the sales comparison approach to value because the appraiser made no adjustments to the comparables to account for date of sale, size, foundation and/or exterior. The subject's assessment reflects a market value of \$601,870 or \$75.96 per square foot of living area, including land, which is greater than the market value indicated by the income approach of \$445,000 or \$56.17 per square foot of living area, including land. With respect to the board of review comparables, the Board finds none of the comparables consist of three, multi-family dwellings like the subject. For example, board of review comparables #1 and #3 are single family dwellings and comparable #2 contains one, multi-family dwelling. In addition, board of review comparable #1 also lacks any sale or listing data.

Based on this record, the Board finds a reduction in the subject's assessment is warranted.

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 19, 2019



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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