



## FINAL ADMINISTRATIVE DECISION ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Bradd O'Brien  
DOCKET NO.: 16-20959.001-R-1  
PARCEL NO.: 05-21-200-003-0000

The parties of record before the Property Tax Appeal Board are Bradd O'Brien, 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 **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: \$120,172**  
**IMPR.: \$229,828**  
**TOTAL: \$350,000**

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 2016 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 is improved with a two-story dwelling of masonry construction containing 4,368 square feet of living area. The dwelling is 55 years old. Features of the home include a basement with finished area, central air conditioning, three fireplaces, a pool and a 2½-car garage. The site is lakefront property containing 27,312 square feet of land area situated on Lake Michigan with 73' of rocky shoreline. The subject is located in Winnetka, New Trier Township, Cook County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal prepared by Pamela L. Sonshine, Certified Residential Real Estate Appraiser, estimating the subject property had a market value of \$3,250,000 or \$744.05 per square foot of living area including land as of January 1, 2016. The appraiser analyzed three comparable sales of lakefront properties on Lake Michigan. Comparable #1 is described as a 60-

year-old, 1.5-story Cape Cod home containing 4,260 square feet of living area. It is located in Winnetka, 0.49 of a mile from the subject. Comparable #2 is described as a 59-year-old, 1-story contemporary home containing 3,550 square feet of living area. It is located in Winnetka, 1.69 miles from the subject. Comparable #3 is described as a 90-year-old, 2-story Tudor home containing 4,197 square feet of living area. It is located in Glencoe, 3.01 miles from the subject. The comparables' features have varying degrees of similarity when compared to the subject. The sites are lakefront and range in size from 22,313 to 46,086 square feet of land area. The three comparables sold from October 2014 through April 2015 for prices ranging from \$2,978,700 to \$3,600,000 or from \$709.72 to \$845.07 per square foot of living area including land. After adjusting for differences with the subject, the comparables' adjusted sale prices ranged from \$2,932,900 to \$3,459,600 or from \$698.81 to \$881.30 per square foot of living area including land. In the Appraisal Report on page 2 of 3, the appraiser stated, "The greatest weight is given to sales #1 and #2 for proximity..." On Addendum Page 1 of 1 the appraiser states, "...the greatest weight is given to sales #1 and #2 for Winnetka locations."

The appellant's attorney submitted a brief requesting the total assessment be reduced to \$325,000 or a market value of \$3,250,000 or \$744.05 per square foot of living area, including land, at the Cook County Real Property Assessment Classification Ordinance level of assessment for Class 2 property of 10%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$350,000. The subject's assessment reflects a market value of \$3,500,000 or \$801.28 per square foot of living area, land included, when using the level of assessment for Class 2 property of 10%.

In support of the subject's assessment, the board of review submitted information on three comparable sales. The comparables are described as two-story dwellings having different neighborhood codes than the subject and located in Glencoe. The comparables are 4 or 10 years old and range in size from 3,987 to 4,211 square feet of living area. The comparables' features have varying degrees of similarity when compared to the subject. The sites range in size from 13,892 to 15,456 square feet of land area. The board of review did not disclose if the sites were lakefront properties. The comparables sold from May 2014 to September 2015 for prices ranging from \$2,075,000 to \$2,450,000 or from \$492.76 to \$598.00 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 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 \$3,250,000 or \$744.05 per square foot of living area including land as of January 1, 2016. The

Board gives little weight to the market value conclusion in the appraisal report. Comparable #1 is a different style than the subject and the sale was not proximate in time to the assessment date at issue. Comparable #2 is a different style than the subject, with a smaller dwelling than the subject, and the property is 1.69 miles from the subject. Comparable #3 is older than the subject, in a different city than the subject, and 3.01 miles from the subject. The Board finds the appraiser failed to adjust the comparables for significantly different features when compared to the subject. In addition, the appraiser repeatedly stated more weight was given to comparables #1 and #2. These two most heavily weighted comparables sold for \$845.07 and \$839.44 per square foot of living area including land, respectively. After adjusting for differences with the subject, the two comparables' adjusted sale prices were \$812.11 and \$881.30 per square foot of living area including land, respectively. The market value conclusion in the appraisal report is \$744.05 per square foot of living area, including land, which is lower than the two most similar comparables in the appraisal. These issues call into question the credibility of the final opinion of value in the appraisal report.

The Board also gives little weight to the board of review comparables. The board of review submitted information on three comparable sales having different neighborhood codes than the subject and located in a different city than the subject. The comparables are 4 or 10 years old, much newer than the 55-year-old subject. Two of the sales were not proximate in time to the assessment date at issue.

However, the Board shall make a determination of the subject's correct assessment, regardless of the quality of the evidence. Both parties submitted six comparables for the Board's consideration. The comparables have sale prices ranging from \$2,075,000 to \$3,600,000 or from \$492.76 to \$845.07 per square foot of living area. The subject's total assessment of \$350,000 reflects a market value of \$3,500,000 or \$801.28 per square foot of living area, land included, which falls within the range established by the comparables in the record. Thus, the Board finds the appellant did not demonstrate with a preponderance of the evidence that the subject's improvement is overvalued and no 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.

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Chairman



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Member



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Member

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Member



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Member

DISSENTING:

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C E R T I F I C A T I O N

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:

April 23, 2019

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Clerk of the Property Tax Appeal Board

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**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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