



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

APPELLANT: Nick Brown
DOCKET NO.: 16-21876.001-R-1
PARCEL NO.: 05-17-118-034-0000

The parties of record before the Property Tax Appeal Board are Nick Brown, 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: \$23,610
IMPR.: \$101,192
TOTAL: \$124,802

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 consists of a two-story dwelling of brick exterior construction with 3,892 square feet of living area. The dwelling is approximately 66 years old. Features of the home include a partial finished basement, central air conditioning, a fireplace and a 2-car garage.¹ The property has an 11,968 square foot site and is located in Winnetka, New Trier Township, Cook County. The subject is classified as a class 2-06 property under the Cook County Real Property Assessment Classification Ordinance.

¹ The appellant's appraisal reported a finished basement, one fireplace and a 2-car garage, although the assessing officials reported an unfinished basement, four fireplaces and a 4-car garage. The Property Tax Appeal Board finds the discrepancies does not prohibit making a determination of the correct assessment but also finds the appraiser inspected the subject property making her descriptions more credible.

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 \$900,000 as of January 1, 2016. The appraisal was prepared by Audrey Clamage, a certified residential real estate appraiser. In estimating the market value of the subject property, the appraiser developed the sales comparison approach and cost approach to value.

Under the sales comparison approach, the appraiser analyzed four comparable sales located from .24 to .63 of a mile from the subject property. The comparables consist of two, 1-story and two, 2-story dwellings that range in age from 31 to 85 years old. Comparable sale #3 was reported to have an effective age of 22 years old. The dwellings have full basements, with finished area, a fireplace and 2-car garages. Three of the comparables have central air conditioning. The dwellings range in size from 2,619 to 4,247 square feet of living area and are situated on sites ranging in size from 13,266 to 22,983 square feet of land area. The comparables sold from April to September 2015 for prices ranging from \$850,000 to \$1,054,000 or from \$238.90 to \$343.64 per square foot of living area including land. The appraiser made adjustments to each comparable for differences from the subject property to arrive at adjusted prices ranging from \$853,360 to \$1,060,000. Based on these adjusted sales, the appraiser evaluated the subject had a market value of \$900,000 under the sales comparison approach to value.

In estimating the cost approach to value, the appraiser estimated the subject's land value at \$105,000. The appraiser then calculated a replacement cost of \$959,280. The appraiser estimated physical depreciation of \$89,432 for a depreciated improvement value of \$869,848. The land was added back to arrive at an estimate of value for the subject property under the cost approach of \$974,800.

Based on this evidence, the appellant requested the total assessment be reduced to \$90,000 which would reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$124,802. The subject's assessment reflects a market value of \$1,248,020 or \$320.66 per square foot of living area, land included, when using the level of assessments for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

In support of the subject's assessment, the board of review submitted information on four comparable sales located within the same neighborhood assessment code as the subject property. The comparables consist of 2-story dwellings that range in age from 74 to 94 years old. The dwellings have partial or full basements, two of which have finished area, central air conditioning, from one to three fireplaces and 1-car or 2-car garages. The dwellings range in size from 3,393 to 4,146 square feet of living area and are situated on sites ranging in size from 9,750 to 28,793 square feet of land area. The comparables sold from January 2015 to July 2016 for prices ranging from \$1,225,000 to \$2,200,000 or from \$341.41 to \$530.63 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant critiqued the board of review's submission noting the sales presented have not been adjusted 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appellant's appraisal is unpersuasive and not a credible indicator of value. The Board finds the appellant's appraisal utilized comparables that were different in design and smaller in dwelling size. Comparable sales #1 and #2 are 1-story dwellings and comparable sale #4 was considerably smaller in size when compared to the subject property. The Board also finds the land adjustments applied to comparable #1 and #3 for their larger land size to be suspect. Under the cost approach, the appraiser concluded the subject had a land value of \$105,000 or \$8.77 per square foot of land area, nonetheless, the appraiser adjusted comparable sale #1 by \$10,000 or \$.90 and comparable sale #3 by \$6,000 or \$.74. These factors undermine the appraiser's final opinion of value. Therefore, the board gave less weight to the conclusion of value contained in the appellant's appraisal.

The Board gave less weight to board of review comparable sales #1 and #3 due to their larger lot size or smaller dwelling size when compared to the subject property. The Board finds the board of review's comparable sales #2 and #4 sold proximate in time to the January 1, 2016 assessment date and are more similar when compared to the subject in location, dwelling size, design and most features. These two comparables sold in July 2015 and July 2016 for prices of \$1,225,000 and \$1,310,000 or \$341.41 and \$348.41 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$1,248,020 or \$320.66 per square foot of living area including land, which falls between the two most similar comparable sales contained in the record on a total market value basis and below on a per square foot basis. Based on this evidence the Board finds the subject is not overvalued and a reduction in the 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: June 18, 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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