



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

APPELLANT: Patrick Martin
DOCKET NO.: 16-23986.001-R-1
PARCEL NO.: 05-28-401-006-0000

The parties of record before the Property Tax Appeal Board are Patrick Martin, the appellant, by attorney Arnold G. Siegel, of Siegel & Callahan, P.C. 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: \$25,365
IMPR.: \$147,210
TOTAL: \$172,575

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 2-story dwelling of masonry construction.¹ The dwelling is approximately 86 years old and has 4,863 square feet of living area. Features of the home include a partial unfinished basement, two fireplaces and a 2-car garage. The property has a 13,350 square-foot site and is located in Kenilworth, 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 parties differed on the dwelling's story height, exterior construction, age and features. The appraiser stated the subject is improved with a 2½-story dwelling of frame and masonry construction. The appraiser stated the dwelling is 84 years old and has central air conditioning. The board of review provided a listing of the subject's characteristics without any additional documentation. The Board finds the appraiser did not provide sufficient documentation to resolve these discrepancies.

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 \$1,125,000 as of January 1, 2016. The appraisal report was prepared by Gregory B. Nold, a certified appraiser and was dated and signed on March 1, 2016. The appraiser developed the sales comparison approach for estimating the market value of the subject property. The appraiser considered five comparable properties that sold from August 2013 to June 2015 for prices that ranged from \$907,500 to \$1,450,000 or from \$216.07 to \$307.86 per square foot of living area, land included. The comparables are located from 0.06 to 0.72 of a mile from the subject property and have sites that range from 12,390 to 21,120 square feet of land area. The comparable properties are improved with three, 2-story and two, 2½-story dwellings of masonry or frame and masonry construction. The dwellings range in age from 65 to 86 years old and contain from 3,214 to 4,710 square feet of living area. After identifying differences between the comparable properties and the subject, the appraiser made numerous adjustments to the sale prices for differences in location, condition, land area, living area, number of bathrooms, bedrooms and fireplaces; and the size of their garages. The appraiser made no adjustments for differences in age and sale date. The appraiser determined that the adjusted sale prices of the comparable properties ranged from \$1,052,800 to \$1,139,900 or from \$242.02 to \$347.52 per square foot of living area, land included. As a result, the appraiser concluded that the subject property had a market value of \$1,125,000 as of January 1, 2016. Based upon the appraisal, the appellant requested that the subject's total assessment be reduced to \$112,500.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$172,575. The subject's assessment reflects a market value of \$1,725,750 or \$354.87 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 April 2015 to December 2016 for prices that ranged from \$1,600,000 to \$2,012,500 or from \$376.47 to \$423.68 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 12,926 to 26,153 square feet of land area. The comparables are improved with dwellings that were described as 2-story of masonry, frame and masonry or stucco construction. The dwellings range in age from 68 to 103 years old and contain from 4,239 to 4,750 square feet of living area. The comparables have full or partial basements, with two having finished areas. Three comparables have central air conditioning. Each comparable has one or two fireplaces and a 2-car garage. 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 \$1,125,000 as of January 1, 2016. To reach that conclusion, the appraiser analyzed five comparable sales. The Board gave less weight to the appraisal report due to four of the sales being dated and to an excessive number of adjustments being applied to the sale prices of three of the comparable sales. The appraiser's comparables #1, #2, #4 and #5 sold from August 2013 to September 2014. The Board finds these sales to be dated and no longer indicative of market value as of the January 1, 2016 assessment date. Consequently, the Board will instead examine the raw sales used in the appraisal as well as the comparable sales submitted by the board of review.

The Board finds the best evidence of market value in the record to be the appraiser's comparable sale #3 and the comparable sales submitted by the board of review. The Board finds these properties sold proximate to the January 1, 2016 assessment date at issue. The appraiser's comparable sale #3 and the board of review's comparable sales sold from April 2015 to December 2016 for prices that ranged from \$1,450,000 to \$2,012,500 or from \$307.86 to \$423.68 per square foot of living area, land included, respectively. The Board finds these comparables were two-story, single-family dwellings that are located in the same neighborhood as the subject and are generally similar to the subject in age and living area. The subject's assessment reflects a market value of 1,725,750 or \$354.87 per square foot of living area, including land, which falls within the range of market values 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

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: September 17, 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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