



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

APPELLANT: Anthony Lewellen
DOCKET NO.: 16-25450.001-R-1
PARCEL NO.: 14-07-316-020-0000

The parties of record before the Property Tax Appeal Board are Anthony Lewellen, the appellant, by attorney Glenn S. Guttman, of Rieff Schramm Kanter & Guttman 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: \$11,512
IMPR.: \$36,810
TOTAL: \$48,322

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 two improvements. Improvement #1 consists of a two-story residential building with 1,915 square feet of building area of frame construction. Improvement #2 consists of a one-story residential building with 686 square feet of building area. The property has a 3,198 square foot site and is located in Lake View Township, Cook County. The subject is classified as a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation and assessment inequity as the bases of the appeal. In support of the overvaluation argument, the appellant submitted a Comparative Market Analysis (CMA), which estimated the subject's market value based on the sale of four properties. In support of the inequity argument, the appellant submitted information on eight suggested equity

comparables. Finally, the appellant argued that the subject's assessment should be reduced based on an increase in flight plans from O'Hare Airport.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$48,322. The subject has an improvement assessment of \$21,232 or \$11.09 per square foot of building area for improvement #1, and \$15,578 or \$22.71 per square foot of building area for improvement #2. The subject's assessment reflects a market value of \$483,220 or \$185.78 for when applying the 2016 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 four suggested equity comparables and four sales comparables for improvement #1, only.

In written rebuttal, appellant's attorney distinguished the board of review's comparables from the subject based on distance. In support of this contention, the appellant submitted maps showing the location of all comparables. The appellant also argued the CMA is further support that a reduction in the subject's assessment is warranted.

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 Board gave no weight to appellant's argument that the noise from the airport impacted the subject's market value. The appellant did not provide any appraisal reports showing what, if any, was the reduction in subject's market value based on the change in flight patterns. The Board also gave no weight to appellant's CMA. The CMA is not an appraisal of value and was not prepared by a licensed Illinois real estate appraiser. The CMA did not explain or justify the adjustments on the comparables used. Finally, the CMA failed to provide important property information, such as building area. However, the Board will consider the raw sales data submitted by the appellant.

The Board finds the best evidence of market value for improvement #1 to be the board of review's comparable sales #1, #3, and #4. These comparables sold for prices ranging from \$216.67 to \$285.91 per square foot of building area, including land. The subject's assessment reflects a market value of \$185.78 per square foot of building area, including land, which is below the range established by the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

The taxpayer also contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments

for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds that the appellant failed to provide any comparables for improvement #2. The Board finds the best evidence of assessment equity for improvement #1 to be appellant's comparables #3, #5, #7, and #8, and the board of review's comparables #1, #2, #3, and #4. These comparables had improvement assessments that ranged from \$11.95 to \$15.57 per square foot of building area. The subject's improvement assessment of \$11.09 per square foot of building area falls below the range established by the best comparables in this record. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and 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: June 16, 2020



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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