



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

APPELLANT: Mrs I.M. Hofmann  
DOCKET NO.: 16-31725.001-R-1  
PARCEL NO.: 03-34-408-008-0000

The parties of record before the Property Tax Appeal Board are Mrs I.M. Hofmann, the appellant(s); 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:** \$ 4,180  
**IMPR.:** \$ 15,620  
**TOTAL:** \$ 19,800

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 (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

**Findings of Fact**

The subject consists of a one-story dwelling of masonry construction with 1,035 square feet of living area. The dwelling is 69 years old. Features of the home include a slab, central air conditioning, a fireplace, and a two-car garage. The property has a 7,600 square foot site, and is located in Mount Prospect, Wheeling Township, Cook County. The subject is classified as a class 2-03 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument, the appellant submitted information on four equity comparables.

The appellant also contends overvaluation as the basis of the appeal. In support of this argument, the appellant also argues that the subject's market value has been decreased due to flooding, which has caused mold, standing water, and sinkholes to appear on the subject's land and site

improvements. The appellant asserts that the source of the flooding is an adjacent neighbor, who allegedly empties their pool into their backyard, and the excess water flows onto the subject's land. The flooding also occurs due to the same neighbor's downspouts being directed at the subject property. In support of this argument, the appellant submitted numerous photographs showing, *inter alia*: mold on the patio, wooden fence, shed, and roof of the subject's improvement; standing water on the subject's front lawn; and unlevel concrete pavers.

The appellant further submitted an affidavit dated July 10, 2013, naming Victor Reyes of Vic's Landscaping as the affiant. In the affidavit, Mr. Reyes states that he provided lawn care maintenance for the subject property from 2010 until the date of the affidavit. Mr. Reyes further states that he was told by the appellant not to mow the lawn the week of August 30, 2012, due to the lawn being flooded with water from an adjacent neighbor's pool. Mr. Reyes stated that, since August 30, 2012, he has noticed discoloration in the lawn, and that the retaining walls and concrete pavers are shifting and sinking. Mr. Reyes asserts that these effects were all caused by excess water. An estimate from Vic's Landscaping was also submitted, showing that various landscaping services would cost \$75,000.

Moreover, the appellant submitted a letter from Alison D. Spanner to the Cook County Assessor. In the letter, Ms. Spanner states that she is representing the appellant in a civil action against the neighbor, and that the neighbor's continual emptying of their pool "is diminishing the value" of the subject.

The appellant also submitted an appraisal estimating the subject property had a market value of \$198,000 as of January 5, 2017. The appraisal states that the subject is owner occupied. The appraisal also includes a flood map, showing that the subject is not in a Federal Emergency Management Agency designated special flood hazard area. In a supplemental addendum, the appraisal states as follows:

The owner provided several documents (see attached) and commented that the neighbors [sic] home produces excessive ground water due to rain water and water from an above ground pool draining into their yard. They also commented that soot and smoke from the neighbors [sic] grills have impacted their enjoyment of the home. **At the time of observation, the appraiser noted minimal disturbance of exterior features including the subject patios, walkways, vegetation or landscaping. Per the attached certificate the home is not impacted by mold.** Therefore, for purposes of this report the Appraiser [h]as placed the primary emphasis on the features of the home and considered the noted issues as secondary and ones a typical buyer would encounter when purchasing an older resale home. The Appraiser is not certified or qualified to identify structural, environmental or hazardous issues and makes no warranties that the property is free of defects. **The home was considered habitable and safe and the noted issues were considered generally cosmetic in nature and would not impact habitably [sic], marketability or enjoyment of the home.** If these [sic] are any other issues are [sic] found to impact the property the Appraiser reserves the right to alter this report and the conclusions contained within it.

The home appears well maintained and in average to above average condition for the market area. The owner provided a detailed list of dates of improvements made to the property. (SEE ADDENDUM)[.] Additional features include a rear brick patio, [and] 2 car detached garage. The property lacks a basement and is built on a slab. The property suffers external obsolescence due to being located on Main Street which is a busy 4 lane road with high traffic patterns. This obsolescence is somewhat offset by the property being located in close proximity to Mt. Prospects [sic] downtown area which offers shopping, restaurants, and entertainment.

(Emphasis added.)

In the brief, the appellant also implicitly argues that the subject is entitled to a natural disaster homestead exemption due to the flooding. The appellant submitted copies of brochures from the Cook County Assessor's Office detailing the process and documentation required for receiving such an exemption.

The appellant also submitted information on four sale comparables. The sale date for comparables #2, #3, and #4 were not included in the appellant's evidence. Based on this evidence, the appellant requested that the subject's assessment be reduced to \$18,600.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$21,073. The subject property has an improvement assessment of \$16,893, or \$16.32 per square foot of living area. The subject's assessment reflects a market value of \$210,730, or \$203.60 per square foot of living area, including land, when applying the 2016 statutory level of assessment for class 2 property of 10.00% 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 equity comparables and four sale comparables.

In written rebuttal, the appellant reaffirmed the evidence previously submitted, and argued that the board of review's comparables were not similar to the subject for various reasons. The appellant also argued that the board of review did not respond to the appellant's argument regarding the flooding of the subject. The appellant also submitted a report from Safestart Environmental dated May 30, 2018. In the letter, Larry Schwartz, President of Safestart Environmental states that the subject's interior and exterior were tested for mold, and, that the mold levels in the subject's interior were "at the extreme low end of usual and customary interior levels." Mr. Schwartz further concluded that "it is our opinion that the indoor mold density air quality is at a safe level for occupancy at this time."

At hearing, the appellant called Michael Pearson to testify. Mr. Pearson testified that he appraised the subject property, and that, using that sales comparison approach to value, he concluded that the subject's market value as of January 5, 2017 was \$198,000. Mr. Pearson testified that the appellant provided him with certain information regarding flooding and sinkholes on the property, which he detailed in the supplemental addendum of the appraisal report. The witness further testified that he inspected the subject during the winter months, and

that he did not observe any issues affecting the structural integrity or habitability of the subject. He further stated he was not a licensed structural engineer or a real estate broker, and had no personal knowledge as to the selling price of residential properties with mold. Mr. Pearson testified that he was aware of the disclosures required by the Residential Real Property Disclosure Act (765 ILCS 77/1 *et seq.*). On cross examination, Mr. Pearson testified that he has been an appraiser for 20 years, and has taken several appraisal courses, included courses offered by the Appraisal Institute. The appraiser estimated that he completes appraisals for 300 to 400 residential properties per year, and that 30% to 40% of those appraisals are for properties located in Mount Prospect. The appellant did not have any questions on redirect for Mr. Pearson, and he was excused from testifying.

The appellant stated that the flooding has caused damages to the subject property in excess of \$200,000, and then reaffirmed the evidence previously submitted.

The board of review analyst reaffirmed the evidence previously submitted. Upon questioning from the appellant, the board of review analyst testified that she had no personal knowledge as to whether the sale comparables had mold present at the time of the sales, or whether the presence of mold would affect the selling price of residential properties.

### **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 best evidence of market value to be the appraisal submitted by the appellant. The subject's assessment reflects a market value above the best evidence of market value in the record. The Board finds the subject property had a market value of \$198,000 as of the assessment date at issue.

The Board accorded no weight to the appellant's argument regarding the alleged damage to the subject's land and site improvements. The appellant's brief and photographs, and Mr. Reyes's affidavit clearly show that there has been some disturbance in the subject's land and site improvements. However, the question is whether those disturbances have affected the subject's fair market value. Based on the appellant's own appraisal, the testimony of Mr. Pearson, and the letter from Safestart Environmental, the Board finds that the answer to this question is "no." The appraisal states that "the appraiser noted minimal disturbance of exterior features including the subject patios, walkways, vegetation or landscaping. Per the attached certificate the home is not impacted by mold . . . The home was considered habitable and safe and the noted issues were considered generally cosmetic in nature and would not impact habitably [sic], marketability or enjoyment of the home." At hearing, Mr. Pearson credibly testified in conformance with this statement in the appraisal. Moreover, Mr. Schwartz stated that the mold levels in the subject's interior were on the extreme low end and the subject's interior mold levels are safe for occupancy. In her letter to the Cook County Assessor, Ms. Spanner states these disturbances are

“diminishing the value” of the subject. This is a conclusory statement made by an attorney for the appellant with no documented experience in property valuation, and, furthermore, no evidence submitted in support of this assertion. Therefore, the Board finds Ms. Spanner not credible on this point, and accorded no weight to this letter. Thus, while there have been certain disturbances to the subject’s land and site improvements, those disturbances have not impacted the subject’s habitability, marketability, or interior mold levels. Most importantly, there is no evidence in the record to show that the subject’s market value has been decreased due to the flooding. As such, the Board finds that a further reduction in the subject’s assessment based on this argument is not warranted.

The Board also finds that it has no jurisdiction to address the appellant’s implied argument that the subject is entitled to a natural disaster homestead exemption. See 35 ILCS 200/15-173. The Board’s statutory duty is to determine the subject’s correct assessment, and it has no authority to determine whether a property is entitled to an exemption. 35 ILCS 200/16-180. As such, the Board finds that it is without jurisdiction to address this argument.

Since market value has been established the 2016 statutory level of assessment for class 2 property of 10.00% under the Cook County Real Property Assessment Classification Ordinance shall apply. 86 Ill.Admin.Code §1910.50(c)(2). Since market value has been determined, the Board finds that the subject is now fairly and equitably assessed.

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



\_\_\_\_\_  
Member

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Member



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Member

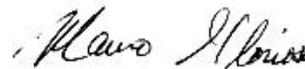
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Member

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: May 21, 2019



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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

AGENCY

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