



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

APPELLANT: Kristina Gabrenya
DOCKET NO.: 16-38441.001-C-1
PARCEL NO.: 06-34-109-007-1001

The parties of record before the Property Tax Appeal Board are Kristina Gabrenya, the appellant, by attorney John P. Booras, of the Law Offices of John P. Booras in Hickory Hills; 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: \$16,241
IMPR.: \$54,605
TOTAL: \$70,846

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 commercial condominium unit located in a five-year old, two-story, masonry, commercial building containing a total of eight units, therein. This subject unit consists of 2,983 square feet of building area and is used as a medical office. The entire complex where the subject property is one of eight units has a 46,112 square foot site some of which is common area to the complex and is located in Hanover Township, Cook County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant's attorney submitted a brief appearing to develop a sales comparison approach as well as an appraisal estimating the value of four units within the subject's complex. This subject property is identified as Unit 1A within the complex. The attorney's brief erroneously describes the subject property as consisting of four commercial, office condominiums. However, in

contrast to this assertion, the appellant's attorney filed a 2016 tax appeal on only one solitary unit comprising one only parcel index number(PIN). In addition, the remainder of the attorney's brief references four units within the subject's complex, while appearing to develop a market value for each of these four units.

Next, the appellant submitted an appraisal that develops a market value of \$980,000 as of January 1, 2016 for four units within the complex of this subject. The appellant also submitted a copy of the decision of the board of review disclosing that this subject property had a total assessment of \$92,037 reflecting a market value of \$368,148 or \$123.42 per square foot of living area, including land, when using the Cook County Real Property Assessment Classification Ordinance level of assessment for class 5-99, commercial property of 25%.

The appraisal's cover letter clearly indicates that the subject property of the assignment contains four distinct PINs with an inspection completed on four commercial/office condominium units containing a total of 10,485 square feet of net leasable area located within a five-year old, two-story, masonry building. It noted that the building is situated on a common parcel of land containing 46,112 square feet in Bartlett, Illinois. The appraisers opined that the highest and best use of the subject as improved was its current usage, while the property rights appraised were the fee simple title of the property. The history of the property, as identified by the appraisers, lists four PINs, sale dates and sale prices. Further, the appraisers developed two of the three traditional approaches to value: the income approach and the sales comparison approach.

The appraisers developed an income approach to value not using actual rental rates derived from the market, but lease listing data on 10 rental properties. Potential rental income was estimated at \$220,185 less tenant improvement allowance and a 10% vacancy and collection loss that resulted in an effective gross income of \$192,127. Deducting total expenses resulted in a net operating income of \$164,827 for four units. A loaded capitalization rate was estimated resulting in a market value for four units of \$920,000, rounded.

Next, the sales comparison approach to value used four actual sales and one listing property. The four sales, each, were a commercial condominium unit with unadjusted prices that ranged from \$52.00 to \$125.43 per square foot with sale dates ranging from July, 2015 to July, 2016. Adjustments were made to each sale for pertinent factors. After making these adjustments, the appraisers listed a market value for each unit:

PIN	Unit	Market Value
-1001	1A	\$283,385
-1005	2A	\$228,665
-1006	2B	\$267,235
-1007	2C	\$216,790

The appraisal estimated a market value in its entirety for the four units under the sales comparison approach of \$995,000, rounded.

In reconciliation, the appraisers placed primary weight on the sales comparison approach as being the most reliable indicator of value. The final estimate of value for the four units is

\$980,000. Based upon this evidence, the appellant requested unit 1A's assessment be reduced to \$69,703.

The board of review did not submit its "Board of Review Notes on Appeal" nor any evidence in support of its assessed valuation of 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 unit 1A assessment *is* warranted.

The Board finds the only evidence of market value to be the *appraisal submitted by the appellant*. Further, the Board finds that the most probative evidence in the appellant's appraisal was the sales comparison approach, which was also given primary weight by the appraisers. This approach used like properties, each a commercial condominium unit, as sources of market data. These were found to be similar properties with sale dates within a two-year radius of the assessment date at issue. The appraisers made adjustments to these sales, while estimating a market value for each of four condominium units that appear to be owned by the same group of people. The subject's assessment reflects a market value of \$368,148, which is above the appraised value presented by the appellant. In addition, the Board accorded little weight to the appraisers' income approach due to the absence of actual market data relating to rental, commercial condominium units; therefore, tainting the development of this approach to value.

Further, the Board finds that the board of review did not submit any evidence in support of its assessment of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board and is found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.40(a) & §1910.69(a). The Board has examined the evidence submitted by the appellant and finds that a reduction in the assessed valuation of the subject property, unit 1A, *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.



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:

November 17, 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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