



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

APPELLANT: Nikolay Petkov
DOCKET NO.: 16-39051.001-R-1
PARCEL NO.: 16-13-304-042-0000

The parties of record before the Property Tax Appeal Board are Nikolay Petkov, the appellant(s), by attorney Stephanie Park, of Park & Longstreet, P.C. in Inverness; 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: \$4,008
IMPR.: \$4,277
TOTAL: \$8,285

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 is improved with a 112-year-old, two-story, multi-family, building of masonry construction containing 4,889 square feet of gross building area. Features of the subject include a full unfinished basement. The property is situated on 3,818 square feet of land in Chicago, West Chicago Township, Cook County. It is a Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. The appellant argued the subject was in an uninhabitable condition that should result in a 76.33% vacancy factor.¹ He arrived at

¹ The board of review used the standard of occupancy factor. Consequently, the appellant's 76.33% "vacancy" factor may be stated conversely as a 23.67% occupancy factor.

this number by calculating the completion dates of work for the various living units in the subject. The appellant stated this information was found in his affidavits, appended to the evidence submitted. In support of this argument, the appellant submitted an appraisal estimating the subject property had a market value of \$350,000 as of April 1, 2017.² The appraiser commented on page four of the appraisal report that the “subject property was in fair to poor condition...and was need of complete remodeling...and repairs.” The appellant also submitted information on four suggested comparable sale properties. The appellant submitted various invoices dated in 2016 reflecting work done on the subject. The appellant submitted a building permit and two affidavits in which he attested he purchased the subject in 2015 and performed work commencing in 2015 and continuing till 2018 due to its uninhabitable condition. The appellant performed two alternative calculations in his brief. In the first, he assumed a current assessed valuation of \$24,389³ reduced by a 76.33% vacancy factor to arrive at a suggested total assessed valuation of \$8,832. In the second calculation, the appellant applied the same 73.66% to what he claimed was the appraisal’s market value of \$120,000 to arrive at a suggested total assessed valuation of \$5,900. The appellant requested a total assessment reduction to \$1,970.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$20,312.⁴ The subject's assessment reflects a market value of \$203,120, or \$41.55 per square foot of living area including land, when applying the 2016 level of assessment of 10.00% for Class 2 property 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 suggested sale comparable properties.

The board of review submitted a brief in which it argued the subject was not eligible for an occupancy adjustment below 80.00% applied by the Cook County Assessor, as reflected in property characteristic data from the Assessor and which were appended to the brief. The board of review argued the subject did not qualify for an assessment reduction for uninhabitability because any vacancy was due to the appellant’s voluntary renovation. The board of review cited Section 180 of the Property Tax Code (35 ILCS 200/9-180), which states a finding of uninhabitability cannot be based on willful misconduct of the owner. The board of review applied this reasoning to the instant appeal to argue the appellant intentionally destroyed his subject property, likening his state of mind to willfulness.

In rebuttal, the appellant argued that the comparable properties submitted as evidence by the board of review should be given diminished weight because they were dissimilar to the subject in various key property characteristics and were based on raw, unadjusted sales data. The appellant argued in rebuttal to the board of review’s argument that the subject did not qualify for an assessment reduction lower than the Assessor’s 80.00% vacancy factor. The appellant argued that uninhabitability may apply due to construction or renovation, citing Assessor guidelines for a partial assessment due to construction or rehabilitation in the previous lien year.

² In his brief, the appellant asserted the appraisal report estimated market value at \$120,000. However, the appraisal report cites a market value of \$350,000 (*See* appraisal, p.4).

³ It is not clear where in the entire record on appeal this assessed valuation is found.

⁴ This total assessed valuation comports with the other documentary evidence and is accepted by the Board as the correct final assessment of the board of review for the 2016 lien year.

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 Board accepts the appraiser's observations and conclusions that the subject needed remodeling and repair. The Board accepts the appraiser's opinion of market value of \$350,000 as of the assessment date at issue. The Board further applies the 23.67% occupancy factor (conversely, 76.33% vacancy factor) suggested in the appellant's documentary evidence of construction to the uninhabitable subject. The result is an occupancy adjusted value of \$82,845. The Board notes that this occupancy adjustment due to uninhabitability applies to the instant 2016 lien year decision only and makes no findings regarding any prior or subsequent lien year. Since market value has been established, the 2016 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance shall apply.

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: October 20, 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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