



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

APPELLANT: Alex Piliev
DOCKET NO.: 16-39145.001-C-1
PARCEL NO.: 10-21-303-056-0000

The parties of record before the Property Tax Appeal Board are Alex Piliev, the appellant(s), by attorney Julia Bikbova, of Bikbova Law Offices in Northbrook; 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: \$8,250
IMPR.: \$32,875
TOTAL: \$41,125

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 3,000 square foot parcel of land improved with a 42-year old, one-story, commercial building. The property is located in Niles Township, Cook County and is a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends a contention of law and overvaluation as the bases of the appeal. At hearing, the appellant asserted that the subject property was misclassified as a commercial building. The appellant's attorney argued that the subject is a mixed-use building and should have a class 2 designation which has a 10% level of assessment.

In support of the market value argument, the appellant submitted assessor printouts listing the subject's assessment for 2010 through 2016; handwritten notations read that the subject was

vacant in 2015. The appellant included an email that lists information on the subject, a multiple listing service printout advertising the subject for sale, and a settlement statement disclosing the sale of the subject May 2015 for \$164,500. Lastly, the appellant included an "Enhanced Indexed Valuation Report". The is report discloses on page 4 that this document is "NOT an appraisal." The appellant's petition lists the subject as containing 1,750 square feet of building area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$41,125. The subject's assessment reflects a market value of \$164,500 using the Cook County Real Estate Classification Ordinance level of assessment for class 5 property of 25%.

In support of the assessment the board of review submitted raw data on five sales comparables. These properties are described as one or two-story, commercial buildings containing between 3,000 and 4,000 square feet of building area. They sold from March 2014 to August 2016 for prices ranging from \$182.33 to \$236.23 per square foot of building area. The board of review's evidence lists the subject as containing 3,380 square feet of building area.

At hearing, the appellant's attorney argued that the subject was vacant at the time of purchase and then underwent rehabilitation. She asserted that at that time the subject became uninhabitable. She requested a reduction in the assessment to account for this vacancy until September 2016 and a level of assessment to 10%. As clarification, she stated the appellant is requesting a class change because a residential unit was built on the back portion of the property. The board of review's representative, John Giokaris, argued that the Property Tax Appeal Board Rules allow for a contention of law argument, but that the appellant failed to follow the rules and that this claim should be dismissed for failure to comply with 86 Ill.Admin.Code §1910.30(h). Ruling on this motion was reserved for the written decision.

The appellant, Alex Piliev, testified that he purchased the subject in May 2015. He testified that the property was vacant at the time of purchase and he planned to remodel the building with a commercial space in the front of the building and an apartment in the back with a bathroom and kitchen. Mr. Piliev testified that the remodeling took time and was not complete until 2016.

Mr. Piliev described the property at the time of purchase. He testified that there was one bathroom with plumbing but no toilet and that he built a second bathroom for the business portion of the building. He opined that the building was uninhabitable at the time of purchase. The appellant submitted *Appellant's Group Exhibit #1, A-J*, color photographs of the property at purchase and during the time of the remodel. Mr. Piliev testified that the skylight had a crack in it and was leaking as were other areas of the roof. He opined that this made the subject uninhabitable. He also testified that several of the other photographs show the leaks in the roof and that he needed to replace the roof. He testified that he had to replace the heating system and referred to the photograph to support this. He testified that several of the pictures depict the removal of the drywall when he was remodeling the subject. He testified that the photographs with several small pieces of drywall on the floor depict the original condition of the building at the time of purchase. Mr. Piliev testified he received a permit from the Village of Skokie to perform the remodel work on the subject and that village employees did inspect the property. Mr. Piliev testified he began moving into the property in May 2016 and began using the property in June 2016.

As to the classification of the subject, Mr. Piliev testified that the subject was a commercial space with one bathroom and that there was one small room. He testified that there was a long corridor that led to the bathroom in the back. He testified that there was a back door. Mr. Piliev testified that the floor plan had changed by January 1, 2016 and that there were multiple rooms and a garage in the back portion of the building. Mr. Piliev testified that he did not recall if the permits he obtained from the village addressed the residential unit. He described the property at the time he moved in as two halves to the building with the front half being commercial and the back half being residential. Mr. Piliev testified that he does not recall measuring the property. He opined that the square footage of subject is 1,750 square feet of building area. He was unable to support this opinion with documentation, but argued that the subject sits on 3,000 square feet of land and that the subject's one-story building cannot be more than that.

Mr. Piliev testified that the back portion of the building has door and locks with one bedroom, one bathroom, and a kitchen. He testified that he does not live in this portion of the building, but stays overnight when he works late; he approximated that he stays there 100 nights a year. He testified that the entrance is in back through the garage. The appellant submitted *Appellant's Group Exhibit #2, A-F*, back and white photographs of the exterior rear portion of the subject and the kitchen area, bathroom and couch area of the back space of the building. The appellant testified he asked the county for a field check.

Under cross-examination, Mr. Piliev acknowledged that the property was vacant at time of purchase in its as-is condition. He acknowledged that the *Appellant's Group Exhibit #1* photographs were taken in 2015. He testified that he took photographs of the property prior to the purchase of the property.

In response to questions by the Administrative Law Judge, Mr. Piliev testified that the public uses the front half of the building and that there is access to the back half of the building through a locked door. He testified that all mail comes to the front of the building under one address with no distinction to the apartment. He further testified that he pays electricity for the whole building under one bill.

In the board of review's case-in-chief, Mr. Giokaris motioned for the valuation report to be found as hearsay and given no weight because the preparer of this document is not present to testify. He argued that the subject was classified as a commercial use at the time of purchase and a person's intent does not change the classification. He argued that the photographs are from 2015 and not 2016. He then rested on the evidence previously submitted to support the subject's assessment.

Conclusion of Law

The appellant argued at hearing that the subject is misclassified as a commercial space. The board of review objected to this contention of law argument made only at hearing.

Section 1910.30 (h) of the Property Tax Official Rules (86 Ill.Admin.Code §1910.30(h)) states:

Every Petition for appeal shall state the facts upon which the contesting party bases an objection to the decision of the board of review, together with a statement of the contentions of law the contesting party desires to raise. If the contentions of law are raised, the contesting party shall submit a brief in support of his position with the petition. . . Failure to do so shall result in dismissal of the appeal.

In the instant appeal, the appellant did not check the box raising the contention of law argument nor did he submit a brief or any evidence addressing such argument. In fact, it wasn't until after the hearing began that the appellant's attorney argued the contention of law. The Board finds the appellant failed to follow the rules in raising this contention of law argument an, therefore, this argument is dismissed.

Notwithstanding the dismissal, the Board finds that the back portion of the subject is not a residential unit but an extension of the commercial space. The appellant testified that there is ingress and egress to this portion of the building from the front of the building, that the mail for each portion of the building goes to only one address and that the electric utilities are connected. Further, the photographs show a kitchen area that lacks a stove with only a hot plate pictured lacks a full-size refrigerator. There is no photograph of a bed or separate bedroom.

The appellant also contends that 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 best evidence of market value to be the sale of the subject in May 2015 for \$164,500. The testimony of the appellant as to the vacancy and condition of the building supports that this is the true fee simple market value. The Boards finds there is insufficient evidence to rule on the size of the improvement.

The Board gives little weight to the appellant's argument that the subject was inhabitable until May 2016 and should receive an assessment reduction for this time period. The appellant testified to the leaks in the roof and the need for physical toilet. The fact that the subject suffered from deferred maintenance does not equate to uninhabitable. Moreover, photographs of the subject prior or at the time of purchase show that the subject was dirty and need of maintenance, but still habitable.

Section 9-180 of the Property Tax Code states in part:

When during the previous calendar year, any building, structures or other improvements on the property were destroyed and rendered uninhabitable or otherwise unfit for occupancy or for customary use by accidental means (excluding destruction resulting from the willful misconduct of the owner of such property), the owner of the property on January 1 shall be entitled, on a proportionate basis, to a diminution of assessed valuation for such period during

which the improvements were uninhabitable or unfit for occupancy or for customary use. 35 ILCS 200/9-180.

The Board finds the undertaking of a remodel does not make the subject uninhabitable. The pictures of the subject show that it was fit for its customary use when it was purchased. The decision of the appellant to add walls and an additional bathroom does not negate the assessment; there was no accidental means that destroyed the structure.

Based on the evidence and testimony, the Board finds the subject had a market value of \$164,500 as of the lien date in question. The Board further finds that the subject's assessment reflects this market value and no reduction in the assessment 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

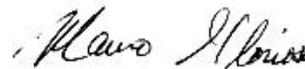
Member

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: December 23, 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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