



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

APPELLANT: William McNamara
DOCKET NO.: 17-20263.001-R-1
PARCEL NO.: 16-07-124-023-0000

The parties of record before the Property Tax Appeal Board are William McNamara, the appellant, by attorney Brian S. Maher, of Weis, DuBrock, Doody & Maher 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 **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: \$3,075
IMPR.: \$24,425
TOTAL: \$27,500

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 2017 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 two-story mixed used property of masonry exterior construction with 5,000 square feet of building area.¹ The building was constructed in approximately 1918 and is 99 years old. Features of the property include an unfinished basement, central air conditioning and two parking spaces in the rear of the subject property. The property has a 3,000 square foot site and is located in Oak Park, Oak Park Township, Cook County. The subject is classified as a class 2-12 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$275,000

¹ The parties differ slightly as to the subject's gross building area. Neither party submitted a sketch of the subject improvements. The Board finds that the slight difference will not impact its decision in this appeal.

as of January 1, 2017. The appraisal was prepared by William P. Neberieza, a certified general real estate appraiser.

The intended use of the appraisal report was to develop the "As Is" market value of the subject property for Ad Valorem tax purposes. Users of the report included the appellant and taxing bodies or boards of review including the Property Tax Appeal Board. The appraiser described the subject as containing 60% storefront and 40% storage/warehouse on the subject's first floor. The second floor includes an office space, oversized hallway and an apartment. The appraiser characterized the 700 square foot second floor hallway as functionally obsolete and access to the second floor as lacking in modernization. The subject's two rear parking spaces were also described as a disadvantage compared to other properties with similar utility.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using four comparable sales located from 1.27 to 3.31 miles from the subject property, noting that a lack of arm's length commercial sales made it necessary to expand the search area to a radius of approximately five miles around the subject. The comparables have sites that range in size from 3,265 to 4,450 square feet of land area and are improved with similar mixed-use buildings ranging in size from 2,810 to 4,080 square feet of building area. The properties were built from 1914 to 1927. The comparables sold from October 2014 to December 2016 for prices of \$140,000 to \$250,000 or from \$49.82 to \$88.15 per square foot of living area, land included.

The appraiser adjusted comparable #3 upward by \$3.00 per square foot based on a purported difference in building size.² Each of the comparables were given a downward adjustment of \$15.00 per square foot to account for the subject's functionally obsolete second floor hallway space and \$5.00 per square foot for the subject's limited access features. After adjustments, the appraiser arrived at adjusted prices per square foot for the comparables ranging from \$29.82 to \$68.16 and concludes that the subject has an estimated market value by the sales comparison approach of \$275,000.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$27,500 which equates to a market value of \$275,000 or \$56.41 per square foot of living area, land included when applying the level of assessment for class 2 properties under the Cook County Real Property Assessment Classification Ordinance of 10%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$43,397. The subject's assessment reflects a market value of \$433,970 or \$89.26 per square foot of living area, including land, when applying the 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 three comparable sales located in the same assessment neighborhood code as the subject and

² The Board notes that in the appraiser's Summary of Comparable Sales table (page 26) the subject's land and building square footage are transposed. The appraiser makes an adjustment to his comparable #3 based on an incorrect comparison.

one within 0.25 of a mile of the subject. The comparables have sites that range in size from 3,750 to 7,500 square feet of land area and are improved with one, two-story and two, three-story mixed-use buildings that range in size from 2,720 to 8,461 square feet of building area. The buildings range in age from 103 to 125 years old. Each comparable has an unfinished basement, two comparables have central air conditioning, and one comparable has a four-car garage. The comparables sold from December 2014 to June 2017 for prices ranging from \$370,000 to \$922,500 or from \$109.03 to \$137.04 per square foot of building area, land included. Based on this evidence, the board of review requested the subject's assessment be confirmed.

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 appellant submitted an appraisal while the board of review submitted three comparable sales. The Board gave less weight to the board of review comparables which differ significantly in building area when compared to the subject and/or are older construction. The Board finds that the appraiser's Summary of Comparable Sales table incorrectly lists the subject's building area as its land area and lists the subject's land area as its building area which resulted in the appraiser making an adjustment to the appraisal comparable #3 for building size.

Nevertheless, the Board finds the best evidence of market value to be the estimated market value of the subject contained in the appraisal report. The subject's assessment reflects a market value of \$433,970 or \$86.79 per square foot of building area, including land, which is above the appraised value. The Board finds the subject property had a market value of \$275,000 or \$55.00 per square foot of the assessment date at issue. Since market value has been established the level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10% shall apply. (86 Ill.Admin.Code §1910.50(c)(2)).

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: July 20, 2021



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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