



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

APPELLANT: King - Bruwaert House  
DOCKET NO.: 18-26017.001-R-3  
PARCEL NO.: 18-18-300-013-0000

The parties of record before the Property Tax Appeal Board are King - Bruwaert House, the appellant(s), by attorney Kelly J. Keeling, of KBC Law Group 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 **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:** \$700,006  
**IMPR.:** \$1,546,592  
**TOTAL:** \$2,246,598

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) after receiving a decision from the Cook County Board of Review. The instant appeal challenges the assessment for tax year 2020. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of this appeal.

**Findings of Fact**

The subject consists of 58 attached independent living development units which are part of a larger congregate care facility. The subject's site is 1,076,933 square feet, and it is located in Burr Ridge, Lyons Township, Cook County. The subject is classified as a class 2-97 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 \$15,080,000 as of January 1, 2018. The appraisal was completed by Donald P. DiNapoli, an Illinois certified general real estate appraiser. The appraisal addressed two of the three traditional approaches to value in developing the subject's market value estimate. The income approach reflected a value of \$15,020,000, rounded, and the sale comparison approach indicated a value of \$15,080,000, rounded. In reconciling these approaches to value, the appraiser gave

primary consideration to both the sales comparison and income approaches to reflect his final value of \$15,080,000.

As to the subject's highest and best use analysis, the appraiser stated that the property's highest and best use as if vacant was for the development of a low-density multi-family housing or a congregate care/assisted living facility while its highest and best use as improved was its current use.

Under the sale comparison approach, the appraiser analyzed the sale of six comparables to estimate the subject's market value. All six sale comparables were multi-family residences. The appraiser made various positive and negative adjustments to the six sale comparables. These adjustments were quantified as follows: comparable #1 had a net positive adjustment of 50%; comparable #2 had a net adjustment of 40%; comparable #3 had a net adjustment of 0%; comparable #4 had a net adjustment of -5%; comparable #5 had a net adjustment of -10%, and comparable #6 had a net adjustment of -10%. After making adjustments as reflected on his grid analysis on pages 58 and 59, the sales indicated a range of unit value between \$235,135 to \$282,297 per unit with a median adjusted unit value of \$244,323. The appraiser reconciled the subject at \$260,000 per unit, which reflects a market value of \$15,080,000, rounded.

Under the income approach, the appraiser analyzed five townhomes. The townhomes ranged from 1,567 to 2,705 square feet with lease commencement dates from 2017 to 2018 and rental rates ranging from \$1,995 to \$3,000 per month. After adjustments, the range of unit values is from \$2,500 to \$3,000 per unit per month and the appraiser opined a market rent of \$2,750 per unit per month on gross basis. The appraisal estimated the potential gross income (PGI) at \$1,914,000. The appraiser estimated vacancy and collection loss of 6%. Deducting vacancy and loss resulted in an effective gross income of \$1,799,160 for the subject. The appraiser allocated expenses at 31% of the potential gross income. The estimated expenses were deducted from the effective gross income resulting in a net operating income of 1,242,184 for the subject.

To estimate the capitalization rate, the appraiser estimated an overall rate of 6.5% for a total capitalization rate of .0827 (8.27%). Dividing the net operating income of \$1,242,184 by the capitalization rate of 8.27%, resulted in an indicated value for the subject of \$15,020,000, rounded.

In reconciling the two approaches to value, the appraiser gave primary consideration to both the sales comparison approach and income approach in arriving at a final value of the property of \$15,080,000 as of January 1, 2018. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$15,080,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing that the total assessment for the subject is \$48,705. The subject's assessment reflects a market value of \$487,050, or \$196.39 per square foot of living area, including land, when applying the 2018 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 on 27 unadjusted raw sale comparables. Based on these comparables, the board requested confirmation of the subject's assessment.

The parties agreed to have the decision written on the evidence.

### **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 proven 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 did not meet this burden of proof, and a reduction in the subject's assessment is not warranted.

The Board does not find the appraisal submitted by the appellant to be credible, and, therefore, does not find it persuasive. The appraisal identifies the property to be appraised as a 58 unit independent living development that is part of a larger congregate care facility known as King Brufwaert House, however the improved sales and rental data in the sale and income approaches contained contrasting properties and highest and best uses. The appraisal described the subject as an assisted living facility/independent living facility with no further detail. The appraiser opined that a retirement/assisted living facility would be the highest and best use of the site as vacant and improved. The income approach analyzed individual single-family townhomes and the sale comparison analyzed multi-family residences. The appraisal's sale comparison approach clearly states that there were sales of similar independent living facilities as part congregate facility but does state or establish why these facilities were not analyzed. Furthermore, the appraiser does not make any adjustments for differences in the subject's current purpose/use as an assisted living facility and the comparables which are townhomes and multi-family residences. Assisted living facilities differ from single family townhomes and multi-family residence in amenities, rules, regulations, assessments, restrictions, licenses/permits, and assistance options. The Senior Living Industry Overview section of the appraisal discusses these different communities and developments. Based on the foregoing reasons, the Board finds that the appraisal submitted by the appellant is not credible, and the Board accords it no weight in this analysis.

The Board finds that the 27 comparables sales submitted by the board of review were given no weight. The board of review submitted raw sales data which only included the address, size and sale price. The board's evidence did not indicate that there was any verification of the information or sources of data and did not include any information regarding sale conditions and sale dates.

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:

May 21, 2024



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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