



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

APPELLANT: Ritchie Goethe, LLC
DOCKET NO.: 19-45172.001-R-2
PARCEL NO.: 17-03-107-016-0000

The parties of record before the Property Tax Appeal Board are Ritchie Goethe, LLC, the appellant(s), by attorney George Michael Keane, Jr., of Keane and Keane in Hinsdale; 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: \$29,697
IMPR.: \$235,817
TOTAL: \$265,514

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 2019 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 three-story dwelling of masonry construction with 7,380 square feet of living area. The dwelling is 120 years old. The property has a 1,697 square foot site and is located in Chicago, North Chicago Township, Cook County. The subject is classified as a class 2-11 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. In support of its contention of law argument, the appellant submitted its brief indicating the subject property was purchased in 2016 for \$2,100,000. The appellant cited Sections 9-160 and 9-180 of the Property Tax Code. The appellant contends the 2019 assessment for the subject property includes previously removed improvements but that said improvements were not fit for occupancy until December 15, 2020. As a result, the appellant contends that the continued

rehabilitation and construction of the subject property continued throughout 2019 and its uninhabitable condition should result in the partial factor of 10% used during the 2017 and 2018 lien years be continued for the 2019 lien year. The appellant also indicates in its brief that the COVID-19 pandemic caused further delays by limiting workmen and delaying delivery of supplies. The appellant submitted copies of a Building Permit issued December 12, 2016, a request to the Department of Buildings for Administrative Relief dated March 31, 2017, for an increase in height above grade for roof deck with one exit, a second Building Permit issued December 20, 2018, a vacancy affidavit from member/manager George Paulin dated January 13, 2020, indicating the subject property remains vacant and uninhabitable for all of 2019, and photos of the interior of the subject property dated December 20, 2019.

In support of its overvaluation argument, the appellant submitted information on the cost to construct the subject dwelling as of October 31, 2020, from View Builders, Inc. indicating \$1,676,513 has been paid from an estimated cost \$1,764,915 for demolition, masonry work, roof repair, plumbing, HVAC, windows, etc. The appellant also submitted copies of a Warranty Deed, Preservation Easement, and printouts of Tax Year Property Information for 2018 and 2019. Based on the evidence, the appellant requests the subject property's assessment be reduced to \$53,278.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$265,514. The subject's assessment reflects a market value of \$2,655,140, or \$359.78 per square foot of living area, including land, when applying the median level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10% as determined by the Illinois Department of Revenue. In support of the correct assessment, the board of review submitted four comparables. They were each improved with a three-story dwelling of masonry construction and ranged in living area square footage from 4,326 to 9,482 and in assessment from \$24.79 to \$40.00. In addition, the board of review included in its grid analysis the sale of the subject property on February 3, 2016, for \$2,100,000, or \$284.55 per square foot of living area. Also, the board of review contends in its Notes on Appeal that the building permit was issued in 2016, the vacancy factor granted by the cook county assessor has expired, and the subject property's current market value is higher than when purchased. The board of review did not include any sales comparables.

Conclusion of Law

Appellant has disputed the assessment of the subject property in part based upon a contention of law. Section 10-15 of the Illinois Administrative Procedure Act (5- ILCS 100/10-15) provides:

Standard of proof. Unless otherwise provided by law or stated in the agency's rules, the standard of proof in any contested case hearing conducted under this Act by an agency shall be the preponderance of the evidence.

The rules of the Property Tax Appeal Board are silent with respect to the burden of proof associated with an argument founded on a contention of law. See 86 Ill.Admin.Code §1910.63.

The appellant's argument is based on Sections 9-160 and 9-180 of the Property Tax Code. Section 9-160 of the Property Tax Code addresses the valuation process and provides:

On or before June 1 in each year other than the general assessment year, the assessor shall list and assess all property which becomes taxable and which is not upon the general assessment, and also make and return a list of all new or added buildings, structures or other improvements of any kind, the value of which had not been previously added to or included in the valuation of the property on which such improvements have been made, specifying the property on which each of the improvements has been made, the kind of improvement and the value which, in his or her opinion, has been added to the property by the improvements. The assessment shall also include or exclude, on a proportionate basis in accordance with the provisions of Section 9-180, all new or added buildings, structures or other improvements, the value of which was not included in the valuation of the property for that year, and all improvements which were destroyed or removed. 35 ILCS 200/9-160.

While the subject is currently assessed according to this statute, the appellant further argues that Section 9-180 also applies to the instant appeal and which the appellant has argued provides as follows in Section 9-180 of the Code (35 ILCS 200/9-180):

Pro-rata valuations; improvements or removal of improvements. The owner of property on January 1 also shall be liable, on a proportionate basis, for the increased taxes occasioned by the construction of new or added buildings, structures or other improvements on the property from the date when the occupancy permit was issued or from the date the new or added improvement was inhabitable and fit for occupancy or for intended customary use to December 31 of that year. The owner of the improved property shall notify the assessor, within 30 days of the issuance of an occupancy permit or within 30 days of completion of the improvements, on a form prescribed by that official, and request that the property be reassessed. The notice shall be sent by certified mail, return receipt requested and shall include the legal description of the property. When, during the previous calendar year, any buildings, 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. The owner of property entitled to a diminution of assessed valuation shall, on a form prescribed by the assessor, within 90 days after the destruction of any improvements or, in counties with less than 3,000,000 inhabitants within 90 days after the township or multi-township assessor has mailed the application form as required by Section 9-190, file with the assessor for the decrease of assessed valuation. Upon failure so to do within the 90-day period, no diminution of assessed valuation shall be attributable to the property. Computations under this Section shall be on the basis of a year of 365 days. (Source: P.A. 91-486, eff. 1-1-00.)

In the instant appeal, the appellant contends the 2019 assessment for the subject property includes previously removed improvements but that said improvements were not fit for occupancy until December 15, 2020. The appellant submitted copies of a Building Permit issued December 12, 2016, a request to the Department of Buildings for Administrative Relief dated March 31, 2017, for an increase in height above grade for roof deck with one exit, a second Building Permit issued December 20, 2018, a vacancy affidavit from member/manager George Paulin dated January 13, 2020, indicating the subject property remains vacant and uninhabitable for all of 2019, and photos of the interior of the subject property dated December 20, 2019. The initial building permit submitted by appellant is too far removed from the lien year at issue in the instant appeal. In addition, the appellant submitted information on the cost to construct the subject dwelling as of October 31, 2020, from View Builders, Inc. indicating \$1,676,513 has been paid from an estimated cost \$1,764,915 for demolition, masonry work, roof repair, plumbing, HVAC, windows, etc. The appellant also submitted copies of a Warranty Deed, Preservation Easement, and printouts of Tax Year Property Information for 2018 and 2019.

The Board finds the initial building permit from 2016 is too far removed from the lien year in the instant appeal. While the second building permit is dated December 20, 2018, the estimate from View Builders dated October 31, 2020, indicates a substantial amount of the work for the home has been completed since \$1,676,513 was paid out of the \$1,764,915 estimate. The photos submitted by the appellant provide further evidence that the subject property is not uninhabitable as there are no exposed walls, pipes, or electrical. On the contrary, the photos show the subject property to be mostly completed. A self-serving affidavit also does not overcome appellant's burden of a preponderance of the evidence. Based on this evidence, the Board finds appellant has not met its burden of proof and a reduction in the assessment is not warranted.

The appellant also 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant submitted information on the 2016 sale of the subject property for \$2,100,000 and the cost to construct the subject dwelling as of October 31, 2020, from View Builders, Inc. indicating \$1,676,513 has been paid from an estimated cost \$1,764,915 for demolition, masonry work, roof repair, plumbing, HVAC, windows, etc. The board of review did not submit any comparable sales. The Board finds that the improvements completed as of the lien year at issue may have increased the market value of the subject property and the 2016 sale is too far removed from the lien year at issue. Furthermore, the appellant's argument that the covid-19 pandemic negatively affected construction during the lien year at issue is given no weight since the covid-19 pandemic had not yet occurred. For these reasons, the Board finds that the subject is not overvalued and a reduction in the subject's assessment is not justified.

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 21, 2023



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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