



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

APPELLANT: Howard Street LLC
DOCKET NO.: 19-51722.001-C-2 through 19-51722.008-C-2
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Howard Street LLC, the appellant(s), by attorney Mark Volpe, of Reilly & Dooley, LLC in Chicago; the Cook County Board of Review by Cook County Assistant State's Attorney Kellyn Coakley; and Niles Twp. H.S.D. #219, the intervenor, by attorney Michael J. Hernandez of Franczek P.C. in Chicago.

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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
19-51722.001-C-2	10-29-213-020-0000	23,037	2,248	\$25,285
19-51722.002-C-2	10-29-213-024-0000	10,937	305	\$11,242
19-51722.003-C-2	10-29-213-025-0000	11,007	884	\$11,891
19-51722.004-C-2	10-29-213-026-0000	11,597	2,629	\$14,226
19-51722.005-C-2	10-29-213-027-0000	11,578	7,733	\$19,311
19-51722.006-C-2	10-29-213-028-0000	11,571	2,106	\$13,677
19-51722.007-C-2	10-29-213-029-0000	35,840	2,140	\$37,980
19-51722.008-C-2	10-29-214-021-0000	41,947	3,191	\$45,138

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 eight parcels of land totaling 44,996 square feet and improved with a one and part two-story commercial building renovated in 2013 containing 1,580 square feet of building area and a one-story, metal panel storage building built in 2019 containing 1,280 square feet of building area. The property is located in Skokie, Niles Township, Cook County

and is a class 5 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 undertaken by Kestutis Puidokas, Mitchell J. Perlow, and Harry Fishman with Property Valuation Services. The appraisal utilized the sales comparison approach to value to estimate a market value for the subject property of \$715,000 as of January 1, 2019.

Mr. Fishman was the appellant's only witness. Fishman testified he is a certified general real estate appraiser licensed in Illinois. He testified he has been appraising property for over 30 years. Fishman testified that he has appraised from 15,000 to 20,000 commercial properties during his career. He testified that he maintains his license and takes continuing education courses. Fishman testified he has appeared as an expert witness in bankruptcy court, circuit courts of: Cook, McHenry and DuPage counties, boards of review, and the Property Tax Appeal Board. Mr. Fishman was accepted as an expert in property valuation without objection from the parties.

Fishman testified he appraised the subject property as of January 1, 2019. He testified that the subject was inspected by Kestutis Puidokas. Mr. Fishman described the subject property as a one-story, older building, renovated in 2013, containing 1,580 square feet and a metal panel storage building built in 2019 containing 1,280 square feet of building area for a total of 2,860 square feet. He testified that he utilized a hypothetical condition that the second improvement was completed as of January 1, 2019. Mr. Fishman testified the subject land contained 44,996 square feet and described the amount of frontage along each property line. He opined that the land was contiguous as the alley and street were included in those parcels on the Sidwell map.

Fishman testified that he used the sales comparison approach to value the subject property. He opined that the subject is a smaller property typically purchased by an owner-occupier and therefore, the income approach is not applicable. He opined that the physical deterioration and functional obsolescence would be difficult to measure in the cost approach.

Fishman described how he reviewed different websites, analyzed five sales and made adjustments to these sales for pertinent factors. The properties sold from September 2019 to October 2019 for prices ranging from \$71.61 to \$262.44. They ranged in land to building ratio from 5.14:1 to 25.59:1 and in building size from 2,765 to 5,525 square feet. Fishman testified that he focused on land to building ratio as the subject has a small building area on a large site. He testified he also focused on industrial use buildings as the subject is located in an industrial area. He opined that comparable #1 was the best comparable as it was located across the street from the subject and sold two months prior to the lien date in question. Fishman testified to the adjustments made to the comparables for pertinent factors and valued the subject at \$250.00 per square foot or \$715,000, rounded.

On cross-examination by the board of review, Fishman testified he relied on the Cook County Assessor's figures from its website in determining the subject's land square footage. He testified he reviewed the square footage of each parcel on the website and added all the sizes together to arrive at a total land size. Fishman was shown *Board of Review's Exhibit #1*, copies of the board's ASIQ printouts for each subject parcel. He reviewed the square footage of each parcel

and the exhibit and confirmed a total size land size of 44,996 square feet. He acknowledged that he did not go out and personally observe the land, but that an associate did this which, he opined, was common practice. Fishman testified that he made an extraordinary assumption that the land size, based on the county's information, were deemed reliable. He testified that he did not review a plat of survey for this appraisal. He testified he was not aware that the alley and part of the street, Major, were purchased by the appellant in 2017 for \$100,000. Fishman again reiterated that he relied on the county assessor records in determining the land size and did not do measurements based on the Sidwell map that is included in the appraisal. He testified that he is not sure if the county included the alley and part of the street square footage in its records. Fishman testified that the Sidwell map was from 2019 and has cross-hatchings between the parcel numbers which indicate the alley and street go with one of those parcels. He acknowledged that he did not compare the 2017 and 2019 square footage figures for changes, and he testified he was not sure if the alley and street are included in the 2019 land square footage. He agreed that having contiguous parcels generally has a higher value than noncontiguous land.

Fishman was then shown *Board of Review's Exhibit #2*, a copy of the Skokie ordinance that passed when selling the subject parcel to the appellant. Fishman testified he has not seen this document previously and did not review it at the time of the appraisal. Fishman also reviewed the plat included in *Board of Review's Exhibit #2* and acknowledged that this plat includes sizes for the additional land purchased by the appellant. After calculating these figures, Fishman testified the size would be an additional 14,256 square feet. He acknowledged that the calculations on this plat may be different than the calculations on the assessor's website because he did not review this plat nor make the calculations on his own.

Fishman testified that in reviewing the deeds for any potential prior sale of the property, he would have only reviewed one parcel and if that parcel had no previous sale, he would assume that none of the parcels had sold previously. He testified he would have been looking for a sale and not a vacation of parcels from the city to the appellant. Fishman acknowledged that an increase in land size by 14,000 square feet would change his estimated appraisal value if it was not included in the Cook County Assessor's data.

On cross examination by the intervenor, Fishman acknowledged that he did not undertake the cost approach or an income approach for the newly built storage building containing over 1,280 square feet. As to sale comparable #1, Fishman testified that this property is located on a primary street near a highway. He testified that the property was listed for sale for over one year and was not sure if the property was 100% leased at the time of sale. Fishman was showed *Intervenor's Exhibit #1*, a CoStar printout of the appraisal's comparable #1. He testified that this purchase was by a landscaping company for its own use. He opined that if the property was leased, it was a short-term lease. He testified that he does not rely on CoStar when determining if a property was leased at the time of sale.

In questioning on sales comparable #2, Fishman was shown *Intervenor's Exhibit #2*, a CoStar printout of the appraisal's comparable #2. He testified that this document lists this property as being on the market for 613 days. He acknowledged that they reduced the asking price by almost 50%.

Fishman testified that comparable #3 is a garage that services commercial vehicles and that the property was listed on the market for over a year. He did not think the property was leased at the time of sale. He was then shown *Intervenor's Exhibit #3*, a CoStar printout of the appraisal's comparable #3. He opined that the disclosure on this exhibit that the property was 100% leased was not accurate. He testified he knew who the owner was and that they were not leasing out the property.

As to sale comparable #4, Fishman testified that this property could have been bank owned as it transferred several times. He was shown *Intervenor's Exhibit #4*, a CoStar printout of the appraisal's comparable #4. Fishman described the building as an auto repair/sales facility. He acknowledged that the document shows that the property is bank owned and does not dispute that.

Fishman was questioned on comparable #5 and testified that it has 17% office space. He testified that the property was not leased at the time of sale. He was shown *Intervenor's Exhibit #5*, a CoStar printout of the appraisal's comparable #5. He acknowledged that this document lists the property as 100% leased at time of sale.

Fishman testified he made adjustments to these sales that were subjective in an equal to, down, or up determination. He reiterated that he did not perform the cost and income approaches to value and only used the sales comparison approach in valuing the subject.

On redirect, Fishman testified that the 14,000 square feet was included in the Sidwell map and was considered part of the subject when valuing the property. He opined that it would not matter when the vacation occurred because he included the alley and part of the street when he was valuing the subject as a contiguous property.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment was \$290,215 which yields a market value of \$1,160,860 using the Cook County Real Property Classification Ordinance for Class 5 property of 25%.

The board also submitted raw sales information on six properties suggested as comparable. The properties sold for prices ranging from \$447.49 to \$2,029.00 per square foot of building area, including land. The board of review did not present any witnesses at hearing.

The intervenor submitted a brief with raw sales information on three suggested comparable. The properties sold for prices ranging from \$400.00 to \$1,317.03 per square foot of building area, including land. The intervenor did not present any witnesses at hearing.

Conclusion of Law

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of

comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the Board concludes that the appellant has met this burden and that a reduction is warranted.

In determining the fair market value of the subject property, the Board examined the appellant's appraisal report and testimony and the evidence from the board of review and intervenor.

The Board finds the board of reviews and intervenor's witnesses were not present or called to testify about their qualifications, identify their work, testify about the contents of the evidence and the conclusions, or be cross-examined by the appellant and the Property Tax Appeal Board. Without the ability to observe the demeanor of these individuals during the course of testimony, the Board gives this evidence no weight.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal and testimony. The appellant's appraiser utilized the sales comparison approach to value in determining the subject's market value. The Board finds the appraisal and testimony to be persuasive for the appraiser: has experience in appraising; the subject was inspected; the appraiser used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary; and credibly testified as to why the cost and income approaches to value were not undertaken.

In regard to the issue of the vacated land, the appraiser testified that he valued the property as if this land was included and contiguous. The sales comparison approach does not separate a value for the land and the improvement but values the property as a whole on an improvement square footage, with land included. Therefore, the Board finds that the vacated land was included in Fishman's analysis under the sales comparison approach.

Therefore, the Board finds the subject had a market value of \$715,000 for the 2019 assessment year. Since the market value of this parcel has been established, the Cook County Real Property Classification Ordinance for Class 5 property of 25% will apply. Therefore, the Board finds that a reduction 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:

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

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