



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

APPELLANT: George Polywka
DOCKET NO.: 19-55732.001-R-1
PARCEL NO.: 17-06-310-002-0000

The parties of record before the Property Tax Appeal Board are George Polywka, the appellant, by attorney Jason W. Newton of Schoenberg Finkel Beederman Bell Glazer LLC 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: \$12,729
IMPR.: \$52,294
TOTAL: \$65,023

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a favorable 2018 Final Administrative Decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 2-story multi-family building of masonry exterior construction with 2,374 square feet of gross building area consisting of two residential apartment units.¹ The building was constructed in 1910 for an actual age of approximately 109 years old. According to the appraisal, the building features a full basement that is partially finished and a two-car detached garage. The property has an approximately 3,730 square foot site and is located in Chicago, West 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 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 \$405,000

¹ The Board finds the best description of the subject is found in the appellant's appraisal report as the appraiser inspected the property and also provided interior and exterior photographs.

as of January 1, 2018. The appraisal was prepared by Gregory S. Fisher, an Associate Real Estate Trainee Appraiser and Mitchell J. Perlow, MAI, a Certified General Real Estate Appraiser, and the intended use of the appraisal was to form an opinion of the fee simple market value of the subject property. The appraisers commented in the report that the building was built in 1910 and has been maintained over the years. The appraisers indicated that both units are leased on a short term basis.

In estimating the market value of the subject property, the appraisers developed the sales comparison approach to value based upon five comparable properties that are located in Chicago. The comparables have sites that range in size from 2,400 to 3,600 square feet of land area. The parcels are improved with 2-story multi-family buildings of frame or masonry exterior construction that range in size from 2,182 to 3,726 square feet of gross building area. The comparables were built from 1886 to 1908. The comparables each have a basement, two of which have finished area. Four comparables each have either a 1-car or a 2-car garage. The comparables sold from May 2017 to September 2018 for prices that range from \$340,000 to \$650,000 or from \$136.66 to \$176.62 per square foot of gross building area, land included. Qualitative (positive/negative) adjustments were made to the comparables for differences from the subject in physical characteristics and unit size. The appraisers determined that comparable #1 is equal to the subject, comparables #2 and #4 would require upward adjustments and comparables #3 and #5 would require downward adjustments. The appraisers are of the opinion that the subject has a value bracketed between \$165.00 and \$175.00 and concluded \$170.00 per square foot for 2,374 square feet, yielding an indicated value via the sales comparison approach of \$405,000, as rounded, as of January 1, 2018. With respect to the five comparables, the appraisers contended that no sale/recent sales were found, however the market indicates some moderate gains.

The appraisers did not use either the cost or income capitalization approaches to value. The appraisers acknowledge that although these approaches would generally be considered meaningful in appraising a property of this type, the appraisers believe the primary approach to value is the sales comparison approach.

The appellant also submitted a copy of the decision issued by the Property Tax Appeal Board involving the subject property for the prior tax year in Docket Number 18-47970 reducing the subject's assessment to \$47,317 based on an agreement of the parties. The appellant further disclosed the subject property is not an owner-occupied residence.

The appellant requested the subject's total assessment be reduced to \$40,500 to reflect the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment of the subject property of \$65,023. The subject's total assessment reflects a market value of \$650,230 or \$273.90 per square foot of gross building area, including land, when applying Cook County Real Property Assessment Classification Ordinance level of assessment for class 2 property of 10%. The board of review also reported that tax year 2018 was the first year of the general assessment cycle for the subject and that no equalization factor was applied to the subject property in the 2019 tax year.

In support of its contention of the correct assessment, the board of review submitted information in a grid analysis on four comparable sales that have the same assessment neighborhood code as the subject and are located approximately ¼ of a mile from the subject property. The comparables have sites that range in size from 2,496 to 3,740 square feet of land area. The parcels are improved with 1.5-story or 2-story multi-family buildings of masonry exterior construction that range in size from 1,410 to 2,400 square feet of gross building area. The comparables were built from 1894 to 1909. The comparables each have a basement, one of which is finished with an apartment. Each comparable has a 2-car garage. The comparables sold from December 2017 to August 2019 for prices that range from \$600,000 to \$875,000 or from \$258.62 to \$463.12 per square foot of gross building area, land included.

The board of review indicated on its notes on appeal that it had “no objection to the rollover request – Rollover Pursuant to 35 ILCS 200/185 based on case 2019-55732.”²

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

The appellant submitted an appraisal of the subject property and the board of review submitted four suggested comparable sales to support their respective positions before the Property Tax Appeal Board.

The Board gave little weight to the value conclusion in the appellant’s appraisal that has an effective date of January 1, 2018 or approximately 12 months prior to the assessment date at issue, when other sales in the record occurred more proximate in time to the lien date at issue. Additionally, the appraisers’ comparables #1, #2 and #3 have considerably larger building sizes when compared to the subject. Lastly, the appraisers comparable #5 sold 19 months prior to the subject’s January 1, 2019 assessment date, less proximate than the other sales in the record. The Board finds these factors undermine the credibility of the appraisers’ conclusion of value. However, the Board will analyze the raw sales data of the comparables presented in the appraisal.

With respect to the four comparables sales submitted by the board of review, the Board has given less weight to comparables #3 and #4 which differ from the subject due to their basement apartment or considerably smaller building size.

The Board finds the best evidence of market value to be the appellant’s appraisal comparable #4 and board of review comparables #1 and #3. The Board finds these three comparables sold more proximate in time to the assessment date at issue and are overall most similar to the subject in

² The appellant disclosed the subject property is not an owner-occupied dwelling. Thus, the Board finds the subject property is not entitled to a “rollover” pursuant to section 16-185 of the Property Tax Code.

location, building size, age and some features. The comparables sold from April 2018 to August 2019 for prices ranging from \$340,000 to \$720,000 or from \$155.82 to \$300.00 per square foot of gross building area, including land. The subject's assessment reflects a market value of \$650,230 or \$273.90 per square foot of gross building area, land included which is within the range established by the best comparable sales in the record. After considering adjustments to the best comparables for differences when compared to the subject, the Board finds the appellant did not prove by a preponderance of the evidence that a reduction in the subject's assessment is warranted based on overvaluation.

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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