



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

APPELLANT: BGME Enterprises LLC Group L142
DOCKET NO.: 20-35807.001-R-1
PARCEL NO.: 29-03-402-033-0000

The parties of record before the Property Tax Appeal Board are BGME Enterprises LLC Group L142, the appellant, by attorney Noah J. Schmidt, of Schmidt Salzman & Moran, Ltd. 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: \$4,470
IMPR.: \$7,891
TOTAL: \$12,361

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 2020 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 1.5-story building of frame exterior construction with 2,372 square feet of gross building area.¹ The structure is approximately 77 years old. Features include a partial basement, with finished area, central air conditioning and a four-car garage. The property has an 11,920 square foot site and is located in Dolton, Thornton Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

¹ The board of review reported a building size of 2,461 square feet of gross building area while the appellant relied upon a Small Residential Income Property Appraisal Report reporting a total building area of 2,372 square feet which was supported by a detailed schematic drawing. The board of review provided no data to support its reported building size. On this record, the Board finds the building contains 2,372 square feet of gross building area.

Preliminary Matters – Contention of Law

As part of this appeal, the appellant made a contention of law with a supporting brief. The first contention in the brief concerns the building size which has been addressed above and in Footnote 1. Next, the appellant contends that the classification of the property as a 2-11 apartment building with two units as of tax year 2020 is in error. The appellant contends the property should be a class 2-04 single family home. In support of this assertion, the purported appellant Kenny Askew [*sic*] presented an affidavit dated May 17, 2021 claiming to be the owner of the subject, attesting the subject is a single-family residence containing 2,461 square feet [*sic*].

The Board finds that the appraisal report previously referenced for the building size of the subject property was prepared on July 31, 2017, and describes the subject as a two-unit apartment building. The Board also finds that the affidavit provided with this appeal depicts a date in May 2021. The named appellant in this appeal is BGME Enterprises, LLC Group L142, not an individual named Kenny Askew. Furthermore, nothing provided by the purported appellant/taxpayer sets forth a date of conversion of the building from multi-family to single-family use. Therefore, on this record and based on the foregoing factual findings, the Property Tax Appeal Board is unable to make any date specific finding as to when the subject dwelling was modified from a two-unit apartment building to use as a single-family dwelling. Therefore, for purposes of this tax year 2020 decision, the Board will continue to refer to the property as a class 2-11 property.

Merits – Equity and Overvaluation

The appellant contends both lack of assessment equity concerning the improvement and overvaluation as the bases of the appeal.

In support of the inequity argument, the appellant submitted information on five² suggested comparable properties along with property characteristics printouts for the comparables. The comparables are each located in the same neighborhood code as the subject and consist of class 2-04 dwellings of frame, masonry or frame and masonry exterior construction which are 50 to 112 years old. The comparables range in size from 1,984 to 2,862 square feet of living area. According to the attached characteristics sheets, four comparables each have a full unfinished basement and comparable #1 has a concrete slab foundation. Two comparables have central air conditioning. Comparables #1 and #3 have one and two fireplaces, respectively. Four comparables have either a 2-car or a 2.5-car garage. The comparables have improvement assessments ranging from \$1,406 to \$6,331 or from \$0.71 to \$2.81 per square foot of living area.

In support of overvaluation, the appellant submitted an appraisal prepared by Lisa Arnold, a Certified Residential Real Estate Appraiser with TSI Appraisals, estimating the subject property had a market value of \$92,000 as of July 23, 2017. The named client was Quicken Loans, Inc. For purposes of estimating the subject's fee simple retrospective market value for purposes of a refinance transaction, the appraiser used all three approaches to value, although the appraiser wrote that no reliance was placed on the cost approach in the final conclusion.

² For ease of reference, the Board has renumbered the last comparable property as #5.

The appraiser described the subject as a two-unit apartment building in average condition with an effective age of 20 years and depicted the date of construction as 1943. The subject property was inspected by the appraiser. Interior photographs of the building describe multiple living areas including a kitchen comprising Unit 1, multiple living areas including a kitchen comprising Unit 2 and a basement with a family room, laundry room, bathroom and a kitchen.

Under the cost approach, the appraiser concluded a market value for the subject property of \$92,078. Under the income approach to value, the appraiser set forth a market value for the subject of \$92,000. Using the sales comparison approach to value, the appraiser concluded a market value of \$92,000. In reconciliation, greatest weight was given to the sales comparison approach noting further that neither the cost nor income approaches were particularly reliable approaches "in this instance." Based on the reported data, the appraiser opined a market value for the subject of \$92,000 as of July 23, 2017.

Based on the foregoing evidence and as outlined in the brief, the appellant requested a reduced total assessment of \$9,072 to reflect the median of the appellant's equity comparables.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$12,361. The subject has an improvement assessment of \$7,891 or \$3.33 per square foot of living area when using the building size of 2,372 square feet. The subject's assessment reflects a market value of \$123,610 or \$52.11 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 four suggested equity comparables, however, comparables #1 and #4 are duplicates of the same property. Therefore, the Board will not further address duplicate comparable #4 in this decision. Additionally, the board of review provided no market value evidence in support of the subject's assessment.

The three equity comparables are each located in the same neighborhood code as the subject and consist of class 2-11 buildings of frame or masonry exterior construction which are 44 to 97 years old. The comparables range in size from 2,116 to 2,272 square feet of gross building area. Comparable #2 has a concrete slab foundation and comparables #1 and #3 each have a full basement, one of which has finished area. One comparable has central air conditioning. Two comparables have 2-and 2.5-car garages, respectively, and comparable #3 has no garage. The comparables have improvement assessments ranging from \$7,361 to \$11,501 or from \$3.24 to \$5.27 per square foot of gross building area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The taxpayer contends in part assessment inequity concerning the improvement as a basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three

comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted based on lack of equity.

The parties submitted a total of eight class 2 equity comparables to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to the appellant's comparable #1 and board of review comparable #2 as each of these buildings have concrete slab foundations, dissimilar to the subject's partial basement with finished area. In addition, the assessment of appellant's comparable #1 appears to be an outlier without further explanation for its substantially lower assessment than the other properties in the record. The Board has also given reduced weight to appellant's comparables #2 through #5 due to substantial differences in age of these buildings, when compared to the subject building that is 77 years old.

The Board finds the best evidence of assessment equity to be the board of review comparables #1 and #3 which are most similar to the subject in location, age, design, building size and some features. Adjustments to these comparables are necessary for differences in age, size, basement finish, air conditioning amenity and/or garage amenity, including garage size. These comparables have improvement assessments of \$9,727 and \$11,501 or of \$4.60 and \$5.27 per square foot of gross building area. The subject's improvement assessment of \$7,891 or \$3.33 per square foot of gross building area falls below the best two equity comparables in this record both in terms of overall assessment and on a square foot basis, despite that the subject is newer than each of these comparables and has a larger four car garage, which is not a feature of either of the best comparables in the record. After considering adjustments to the best comparables for differences when compared to the subject, the subject's assessment appears to be appropriate given that the subject is newer and larger than each of the best comparables. Based on this record and after considering adjustments to the best comparables for differences when compared to the subject property, the Board finds the appellant has failed to establish inequity in the assessment by clear and convincing evidence and therefore a reduction in the subject's assessment is not justified as to an equity argument on this evidence.

In the alternative, 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 on grounds of market value.

Procedural rules of the Property Tax Appeal Board state, in pertinent part, that proof of market value "may" consist of "an appraisal of the subject property as of the assessment date at issue" (86 Ill.Admin.Code §1910.65(c)(1)), when an appraisal does not opine a market value opinion as of the assessment date at issue, this market value evidence merely goes to the weight to be afforded to the opinion of value and does not bar the appraisal from consideration before the Property Tax Appeal Board. See Cook County Board of Review v. Property Tax Appeal Board, 334 Ill.App.3d 56, 59, 777 N.E.2d 622, 625 (1st Dist. 2002).

For this appeal, the Board finds the appraisal evidence presented by the appellant fails to establish market value as of the lien date by a preponderance of the evidence given the appellant's own argument that the subject property is a single-family dwelling. As set forth in this decision, the appellant denies that the subject property is a two-unit multi-family building and asserts that the property has been improperly given the classification of 2-11 under the Cook County Real Property Assessment Classification Ordinance. The Board finds that despite the appellant's factual assertion concerning the property, the appellant seeks to have the Property Tax Appeal Board apply a market value to the subject property which was developed on the basis that the subject property was a two-unit multi-family building. The Board will not accept such an inconsistent and incongruent argument being made before it for market value purposes. Therefore, in light of the appellant's own classification/description argument, the Board finds the appellant's appraisal report may not be relied upon as a credible and/or valid indicator of the market value of the subject property as of January 1, 2020.

In conclusion, based on the evidence of record concerning both equity and market value, the Board finds a reduction in the subject's assessment is not 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

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 16, 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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