



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

APPELLANT: Jovan Trboyevic Revocable Trust
DOCKET NO.: 20-42454.001-R-1
PARCEL NO.: 17-10-203-014-0000

The parties of record before the Property Tax Appeal Board are Jovan Trboyevic Revocable Trust, the appellant, by attorney Thomas M. Battista, of the Law Offices of Thomas M. Battista 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 **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:

LAND: \$48,600
IMPR.: \$54,400
TOTAL: \$103,000

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 139-year-old¹, three-story, mixed-use building of masonry construction with 5,846 square feet of building area. The first floor of the building is comprised primarily of restaurant space; the third floor of the building contains a studio apartment which has approximately 500 square feet of living area. There was a small addition added to the rear of the original structure in 1978. The building features a full unfinished basement and central air conditioning. The property has a 3,600 square foot site and is located in Chicago, North Chicago Township, Cook County. The subject is classified as a class 2-12 property under the Cook County Real Property Assessment Classification Ordinance.

¹ The board of review's data shows the subject property as a 62-year-old building. This Board will rely on the appraisal's description of the building as being 139-years old because the appraiser made a physical inspection of the subject property.

The appellant asserts overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal that estimated that the subject property had a market value of \$1,030,000 as of January 1, 2020. The appraisal used the sales comparison and income approaches. For the sales approach, the appraiser relied on four suggested sales comparables that sold between June 2018 and September 2020, for amounts ranging from \$705,000 to \$3,175,000, or between \$131.26 and \$206.33 per square foot of living area, land included in the sale prices. The appraiser adjusted the sales prices to account for differences between the comparables and the subject. After applying the adjustments, the appraiser determined that the subject's value was \$175.00 per square foot of building area, for a total value of \$1,023,050, or \$1,020,000 rounded.

For the income approach, the appraiser relied upon area market rents. The appraiser utilized four comparables consisting of multi-tenant commercial buildings and four studio apartment comparables all located within an approximately 3-mile radius of the subject property. The rental income per square foot of the commercial comparables ranged from \$18.05 to \$33.25 per month. The appraiser determined that after the appropriate adjustments were made, the best indicator for the subject's commercial space would be \$30.00 per square foot on a gross lease basis. The appraiser determined the average rental income for the studio apartment unit by relying on four studio apartments within a 2.6-mile radius of the subject property. The rental income for the apartment comparables ranged from \$821.00 to \$1,512.00 per month. The appraiser determined an estimated market rent for the subject of \$1,000.00 per month after making the appropriate adjustments.

The appraiser concluded the total annual potential gross income for the subject was \$186,035. The appraiser subtracted 15% of this amount, or \$26,976, for vacancy and collection loss, leaving an effective gross income of \$159,060. The appraiser then calculated the subject's annual expenses as \$51,053, leaving a potential net operating income of \$108,007.

Using the direct capitalization technique, the appraiser determined an initial capitalization rate of 8.50%. To account for the subject's property taxes, which were not reflected in the net operating income, the appraiser added a tax load of 2.01% to come up with a 10.51% loaded capitalization rate. The appraiser then calculated the subject's value under the income approach by dividing the net operating income of \$108,007 by the capitalization rate of 10.51% for a total of \$1,027,747, rounded to \$1,030,000. Reconciling the sales comparison and income capitalization approach results, the appraiser determined that the subject's value was \$1,030,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$168,852. The subject's assessment reflects a market value of \$1,688,520, or \$288.83 per square foot of living area, land included, when using the Cook County Real Estate Classification Ordinance level of assessment for class 2 property of 10%.

In support of the assessment, the board of review submitted information about sales of four suggested comparable properties. The suggested comparables sold between September 2017 and March 2019 for amounts ranging from \$1,080,000 to \$2,350,000, or between \$391.67 and \$813.23 per square foot of building area, land included in the sales prices. Two of the comparables were located in the same neighborhood code as the subject property.

In written rebuttal, the appellant highlights the dissimilarities between the subject property and the board of review's comparables. Appellant argues the comparables contain unadjusted data and therefore, should be given less weight.

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 taxpayer must prove the value of the property by a preponderance of the evidence. 86 Ill. Admin. Code §1910.63(e); Winnebago County Bd. of Review v. Property Tax Appeal Bd., 313 Ill. App. 3d 1038, 1043 (2d Dist. 2000). 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds that the best evidence of the subject's market value is the appraisal submitted by the appellant. That appraisal employed the sales comparison and income approaches. The sales comparison approach relied upon recent sales of four suggested comparable properties. The appraisal stated that the sale prices of the suggested comparable properties were adjusted to account for differences between them and the subject, taking into account such factors as size, condition and location, and the appraiser determined that the subject's market value under that approach was \$1,020,000 as of January 1, 2020. The appraisal's income approach relied on market rental data from studio apartments and mixed-use commercial properties. The appraiser determined that the subject's value under this approach was \$1,030,000 as of January 1, 2020. Reconciling the two approaches, with slightly more weight given to the income approach, the appraiser determined that the subject had a market value of \$1,030,000 as of January 1, 2020.

In contrast, the board of review's evidence consists of unadjusted raw data concerning comparable properties that have vastly dissimilar building area square footage, different designs and locations in different areas than the subject property. Based on the evidence, the Board therefore finds a reduction in the subject's assessment is justified. Therefore, the Board finds the appellant has proven, by a preponderance of the evidence, that the subject is overvalued, and that a reduction in the subject's assessment is 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

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

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Jovan Trboyevic Recovable Trust, by attorney:
Thomas M. Battista
Law Offices of Thomas M. Battista
734 N. Wells Street
Chicago, IL 60654

COUNTY

Cook County Board of Review
County Building, Room 601
118 North Clark Street
Chicago, IL 60602