



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

APPELLANT: Chris Kyriakopoulos
DOCKET NO.: 20-46153.001-R-1 through 20-46153.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Chris Kyriakopoulos, the appellant, by attorney Stephanie Park, of Park & Longstreet, P.C. in Inverness, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
20-46153.001-R-1	04-24-406-035-0000	16,427	0	\$16,427
20-46153.002-R-1	04-24-406-036-0000	20,163	33,910	\$54,073

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 two parcels, one of which is improved with a two-story dwelling of stone and frame exterior construction with approximately 3,351 square feet of living area.¹ The dwelling was constructed in approximately 2002 and is 18 years old. Features of the home include a full unfinished basement, 2½ bathrooms, central air conditioning, a fireplace and a three-car garage. The two parcels comprising the subject have an approximately 47,630 combined square feet of land area located in Northfield, Northfield Township, Cook County. The subject parcels are classified as class 2-04 and 2-41 property, respectively, under the Cook County Real Property Assessment Classification Ordinance.

¹ Descriptive details of the subject dwelling have been taken from the appellant's appraisal report which provides the only detailed description of the home, the land area and includes photographs. While the board of review reported the dwelling contains 2,460 square feet of living area, there is no data to support that size conclusion.

The appellant contends overvaluation and contention of law as the bases of the appeal. In a brief, appellant asserted that a branch of the Chicago River runs through subject parcel -035 making the entire parcel unbuildable and 80% (20,980 square feet) of parcel -036 are located in an AE flood zone making the area unbuildable. This area is overrun with wild vegetation and fallen trees. Yearly this area grows larger given erosion and the washout of the river. In addition, parcel -035 is landlocked and inaccessible even to adjoining improved parcel -036 since the branch of the river separates the parcels from one another. These assertions are supported by a signed but unnotarized “affidavit” of the appellant with four color photographs.

In further support of the overvaluation contention, the appellant submitted an appraisal prepared by Peter J. Soukoulis estimating the subject property has a market value of \$705,000 as of January 1, 2020. Soukoulis also reported that he performed a 2019 appraisal for this property (Appraisal, p. 11).

As to the subject parcels, Soukoulis, who made both an interior and exterior inspection of the property, reported the majority of the subject site is in a flood zone with only 5,262 square feet of buildable area and parcel -035 is inaccessible and separated by a creek. The appraiser recognized that the subject is situated in a flood zone which will affect marketability “if not priced accordingly.” An AE flood zone presents a 1% annual chance of flooding and a 26% chance over the life of a 30-year mortgage according to FEMA. (Appraisal, pp. 2, 4 and 11)

Using the sales comparison approach, the appraiser analyzed five sales located in the same market area and within .90 of a mile from the subject. The subject is a class 2-04 property and the comparables are either 2-06, 2-08 or 2-78 class properties. The appraiser also reported that he included consideration of the subject’s 5,262 square feet of buildable area with an offset for excess land. The comparable parcels range in size from 9,900 to 20,047 square feet of land area and is each improved with a two-story dwelling of brick and frame exterior construction. The homes range in age from 42 to 67 years old, with only sale #3 being ‘original.’ The remaining four homes have been renovated and comparable #2 has also had an addition. The dwellings range in size from 2,856 to 3,951 square feet of living area. Each dwelling has a full or partial basement, four of which have finished area, 2½ to 3½ bathrooms, central air conditioning and from a one-car to a three-car garage. Sale #1 has an inground swimming pool. The comparables sold from March 2018 to August 2019 for prices ranging from \$640,000 to \$745,000 or from \$179.70 to \$247.90 per square foot of living area including land.

Soukoulis considered adjustments for differences, applying positive adjustments to each comparable for site size along with adjustments for differences in dwelling size, bathroom count, basement finish, garage capacity and/or pool amenity, resulting in adjusted sales prices ranging from \$658,000 to \$753,700 or from \$166.54 to \$263.90 per square foot of living area, including land. Based on this data, the appraiser concluded an opinion of value for the subject of \$210.00 per square foot of living area or \$705,000, rounded.)

While an appraisal has been submitted contending overvaluation, the appellant further asserts that the value conclusion of the appraisal is “prior to the County’s uniform COVID-19 adjustment (its ‘pre-COVID market value’ herein). Therefore, the appellant’s brief and supporting documentation contend the subject is entitled to a “post-COVID adjustment market value.”

In the brief, the appellant's legal contention in part relates to the Constitutional Uniformity Clause.² Appellant agreed that the Property Tax Code mandates real property in Illinois shall be valued at its fair cash value for property tax purposes. (35 ILCS 200/9-145 & 150). As to this particular appeal, however, the appellant further contends that "the County's COVID-19 adjustment factor which **was uniformly applied to all residential property in the County**" [emphasis added] must be applied to the subject's market value conclusion (or its 'pre-COVID market value'). (Appellant's Brief, pp. 3-4).

On page 3 of the brief, counsel wrote "[t]he County made the policy decision in 2020 that all residential property market values should 'reflect the real estate market effects of COVID-19' [citing Exhibit A]." Exhibit A entitled *Cook County Assessor's COVID-19 Adjustments to Property Assessments in the South and West Suburbs*, May 28, 2020, p. 2, 6, was summarized by counsel as a policy decision that "uniformly applied a negative COVID-19 adjustment to January 2020 Values to determine 2020 Fair Market Value" which was then used for property tax purposes. (Brief, p. 3).

The appellant also submitted Exhibit B, *COVID-19 FAQ*, pp. 1-2, from the Cook County Assessor's Office (CCAO) addressing common questions and/or issues, for instance:

- Is everyone getting a COVID19 adjustment to their property's value?
 - Our plan is that all homes in Cook County will receive COVID19 adjustments to property values, **based on our Data Science team's estimates of local changes in unemployment**. Areas with larger increases in unemployment will see larger adjustments.
 - ...
- I'm in the south and west suburbs. **Does this guarantee my property's assessment will go down compared to my last reassessment?**
 - **Not necessarily.** Our estimate of your property's value in 2020 also depends on your local real estate market. In the south and west suburbs, since the last 2017 reassessment, property values have changed.
 - [table redacted]
 - In places like Berwyn, sale prices of homes have increased. Therefore an individual home's value estimated by the CCAO in 2020 will reflect those upward sales trends, and a decrease from a COVID19 adjustment.
 - In other places, sales prices of homes have not increased. The values of these homes will reflect those flat sales trends, and a decrease from a COVID19 adjustment.
 - ...

[Emphasis added.]

² Article IX, section 4(a), of the *Illinois Constitution of 1970* provides: Except as otherwise provided in this Section, taxes upon real property shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law. (Ill.Const.1970 art. IX §4(a)).

Appellant's Exhibit C consists of correspondence to the appellant's attorney and a printout from the Assessor's website for a residential property located in Des Plaines, Maine Township. As depicted in the exhibit, the appellant's counsel was informed by a letter of a reduction for tax year 2020 issued by the Cook County Assessor's Office, dated November 5, 2020. This letter depicts an original proposed 2020 assessment of \$32,969 and a reduction to \$30,600. Counsel added a notation asserting the reduction was reflective of the "pre-COVID market value based on the 2019 purchase price of \$306,000." Also, as part of Exhibit C, the appellant submitted an individual property characteristics printout for this parcel depicting a 2020 "total assessed value" of \$27,303, or approximately 12% less, which counsel characterized as "the pre-COVID market value [further reduced] by uniformly applying its COVID adjustment." (Exhibit C, p. 2).

Next, the appellant's Exhibit D, *Cook County Assessor's COVID-19 Adjustments to 2020 Property Assessments in the North Suburbs and City of Chicago*, January 11, 2021, relates to the property on appeal located in Northfield Township. In Exhibit D, assessing officials wrote "[t]he methodological approach detailed on pages 5-9 and 11-13 of the previous report [identified in this appeal as Exhibit A] remains applicable." (Exhibit D, p. 2). On page 4 of Exhibit D, the assessing officials addressed the most asked questions, as follows:

1. **Only parcels in the south and west suburbs were fully reassessed.** Parcels in the northern suburbs and the City of Chicago had their prior market values adjusted based on the office's analysis of COVID effects on certain property types and geographic areas.

....

3. **All parcels were examined for COVID-19 adjustments and, when warranted, an adjustment was applied to the market value of a property.** This adjustment was applied regardless of whether an appeal was filed on the property. If additional information about a parcel was presented to the office through the 2020 appeal process, this information was also considered for adjustments to the property's market value. . . .

[Emphasis in original.] Exhibit D produced by the assessing officials asserted "different property types and locations experienced different economic impacts of COVID-19. Thus, COVID19 adjustments throughout the county reflect these various impacts." (Exhibit D, p. 4) Additionally, key to the instant contention of law, in terms of assessment process chronology, is the assertion of the Cook County Assessor on page 9 of Exhibit D concerning the notification process of COVID Adjustments:

Final values for all properties were published to the CCAO's website at the conclusion of the appeals process for each township. **These values were also certified to the Board of Review.** [Emphasis added.]

In this regard, the Cook County Board of Review Final Decision dated May 26, 2021, submitted by the appellant, depicts that the subject property, at the time of the appeal to the board of review, had an "Assessor Original" valuation of \$112,436. The appellant presented no information as to whether a "COVID adjustment" had been applied by the CCAO to this original assessment. The final decision shows that the assessor's valuation of \$112,436 was unchanged by the Cook County Board of Review. In this contention of law, the appellant seeks to obtain a

reduction on the market value determination based upon the assertion that “all properties” in Cook County in 2020 were issued a COVID Adjustment.

Lastly, the appellant provided Exhibit E, described as portions of the Cook County Assessor’s Office COVID Adjustment Data by Neighborhood,³ so, to conserve natural resources, counsel submitted the first page of the assessor’s website; column headings, and 1 page of corresponding data of the downloaded spreadsheet; and an edited spreadsheet including the relevant columns of data. This latter section of Exhibit E depicts, in pertinent part, “Northfield, neighborhood 90, Single-Family & Residential Condominiums” with a “CCAO’s Post-COVID Median Estimated Value” and the “CCAO’s Pre-COVID Median Estimated Value” stated for this particular neighborhood code a “COVID Adjustment” of -9.111. Mathematically the higher CCAO “pre-COVID” median value for Northfield Township, neighborhood code 90, of \$438,210 appears to have been reduced by a “neighborhood code wide” 9.111% for the resulting CCAO “post-COVID” median value of \$398,284. There is no indication in Exhibit E that each residential and/or condominium property within neighborhood code 90 was given a 9.111% COVID adjustment in the assessment for 2020.

Based on the foregoing, the appellant contends the county’s “negative” COVID-19 adjustment must now be applied to reflect the subject’s “2020 Fair Market Value” for property tax purposes. (Brief, pp. 4-5). Therefore, after the application of the purported 9.11% COVID-19 “neighborhood adjustment” figure, the appellant seeks a total combined assessment reduction to \$64,078.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total combined assessment for the subject parcels of \$112,436. The subject's assessment reflects a market value of \$1,124,360 or \$335.53 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% and using the dwelling size of 3,351 square feet reported by the appellant’s appraiser.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales, one of which is located in the same assigned neighborhood code as the subject. The comparables are each described as a class 2-04 property ranging in age from 54 to 70 years old. The dwellings range in size from 2,780 to 2,957 square feet of living area. No other characteristics were provided for these properties. The comparables sold from April 2017 to October 2019 for prices ranging from \$875,000 to \$1,255,000 or from \$299.66 to \$424.42 per square foot of living area, including land. Based on the foregoing evidence, the board of review requested confirmation of the subject’s assessment.

In rebuttal, appellant contends that in the absence of any brief from the board of review to address the COVID relief argued by the appellant, the board of review “concedes both” that there was a uniform policy/practice and/or procedure applied to all Cook County residential property and under the Constitutional uniformity clause, such uniform treatment must be afforded to the

³ Counsel’s submission, a cover sheet to Exhibit E, described the website with this data as voluminous and difficult to print legibly. Moreover, if downloaded entirely to a spreadsheet, the information would be “nearly 300 pages to print.”

appellant in this appeal. Similarly, the appellant contends that in the absence of any evidence disputing that parcel -035 is landlocked, vacant and unbuildable, that appellant again concludes that the board of review has conceded the issue.

Next the appellant contends the board of review's unadjusted sales should be given no weight and argued that the board of review failed to provide a complete grid analysis. In conclusion, the appellant asserts that the board of review's evidence is insufficient upon which to issue a decision and thus, the appellant's evidence should prevail, including granting a reduction to parcel -035 which was reduced by the board of review in tax year 2021 to \$2,139.

Conclusion of Law

The appellant filed this appeal in part contending that 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 appellant submitted an appraisal and the board of review submitted four comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to the board of review comparables, each of which lack descriptive information, other than age, dwelling size and sale date/price, which data is insufficient evidence for the Board to make an informed and meaningful analysis of the similarities and/or differences between the subject and these comparables. In addition, board of review comparables #3 and #4, each of which sold in 2017, are dates more remote in time to the lien date at issue of January 1, 2020 and, as raw sales information, less likely to be indicative of the subject's estimated market value.

In the absence of detailed, recent, substantive market value evidence to contradict the appellant's appraisal and/or specific evidence to criticize or contradict the data contained within the appellant's appraisal report, the Board finds the best market value evidence in the record is the appellant's appraisal report setting forth an opinion of the subject's market value as of January 1, 2020 of \$705,000, including land. The subject's assessment reflects a market value of \$1,124,360 or \$335.53 per square foot of living area, including land, which is substantially above the appraised value conclusion and merits a reduction in the subject's assessment(s). Based on this appraisal evidence, the Board finds a reduction in the subject's assessment is justified on grounds of overvaluation.

However, the Board also finds that no further reduction in parcel -035 is warranted merely on the grounds that the parcel is in a flood area, is vacant, is unbuildable and has fallen trees. There is no market value evidence in the record, beyond the appraisal provided by the appellant, to support a further reduction in the assessment of parcel -035 than is issued for prorating the appraised value opinion to the two parcels comprising the subject.

Contention of Law

The Property Tax Appeal Board will apply its discretion to liberally interpret the appellant's contention of law argument and interpret it as a lack of uniformity claim. The burden for this

claim is controlled by 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 Board rejects the appellant's misconception in rebuttal that lack of responsive materials in this case on the COVID relief argument results in a decision in favor of the appellant without further analysis. The appellant's premise relies on the correctness and accuracy of the assertions in appellant's brief regarding the uniform issuance of COVID relief.

As outlined in this decision and contrary to the assertions of the appellant's counsel, the published documentation issued by the Cook County Assessor's Office related to the COVID-19 Adjustments specifies that not every property would or should expect an assessment reduction and the application of "relief," if any, was tied to area market sales data for each property. Therefore, while the documentary record establishes that the Cook County Assessor undertook an analysis in 2020 as to whether the pandemic resulted in economic effects upon both single-family residential, condominium, and commercial properties, the Board finds that the appellant's submission of Exhibits A, B, D and E alone does not establish the claim made by the appellant, specifically, "that every property in Cook County received a COVID Adjustment reduction" or that the subject was treated unequally based on the pandemic. To put it another way, the evidence submitted by the appellant indicates that the Assessor examined market data to determine if the values of individual property(s) were negatively affected by COVID-19 based on unemployment data; and if so, adjust its assessment to reflect the market. The Board further finds that the evidence does not establish that the Assessor granted a blanket COVID-19 downward adjustment to all properties similarly situated to the subject while, at the same time, excluding the subject property from that blanket adjustment. Nor has the appellant established that the Assessor neglected to analyze the pandemic's effect on the subject property. Furthermore, the appellant has failed to establish that the basis upon which the Cook County COVID-19 adjustment was determined, *i.e.*, unemployment data, was not uniformly applied.

Furthermore, the Board finds the appellant did not submit any substantive evidence of whether the subject property merits an assessment reduction due to COVID-19. The Board considers an assessment appeal without reference to any assumptions and conclusions made by another agency. "Under the principles of a *de novo* proceeding, the Property Tax Appeal Board shall not presume the action of the board of review or the assessment of any local assessing officer to be correct." 86 Ill. Admin. Code §1910.63(a). There is no presumption of correctness accorded to an original assessment or that of a board of review. *Western Illinois Power Cooperative, Inc. v. Property Tax Appeal Board*, 29 Ill.App.3d 16, 22 (4th Dist. 1975). "Under the scheme created by the Property Tax Code statute for the Property Tax Appeal Board, an appeal to the Board does not afford taxpayers the right to request that a higher authority rule upon the correctness of a lower authority's findings. Rather, it affords taxpayers and taxing bodies a 'second bite at the apple,' *i.e.*, an opportunity to have assessments recomputed by a reviewing authority whose power is not circumscribed by any previous assessment." *LaSalle Partners v. Illinois Property Tax Appeal Board*, 269 Ill.App.3d 621, 629 (2nd Dist. 1995).

To the extent the appellant requests that the PTAB grant it relief based on the COVID-19 pandemic, the Property Tax Appeal Board distinguishes between a request for relief just because the pandemic occurred (“COVID Relief”) and a request based on the pandemic’s effect on market conditions, or the income-producing capacity of a given property. The former would only require the appellant to show that the pandemic occurred, not that the pandemic affected or contributed to changes in the relevant market or other factors related to the property’s assessment. The latter would require the appellant to meet its burden to provide substantive evidence or legal argument sufficient to challenge the property’s assessment.

As an administrative agency, the Property Tax Appeal Board only has the authority that the General Assembly confers on it by statute. *Spiel v. Property Tax Appeal Bd.*, 309 Ill. App. 3d 373, 378 (2d Dist. 1999). Consequently, to the extent that the PTAB acts outside its statutory authority, it acts without jurisdiction. See *Bd. of Educ. of City of Chicago v. Bd. of Trustees of Pub. Sch. Teachers’ Pension & Ret. Fund of Chicago*, 395 Ill. App. 3d 735, 739–40 (1st Dist. 2009). The Board has no statutory authority to reduce assessments solely because the pandemic occurred (i.e., to grant “COVID Relief”). However, if an appellant presents evidence demonstrating the pandemic resulted in or contributed to a reduction in the subject property’s assessment, that may serve as the basis for a reduction. However, the appellant is not entitled to a reduction just because the pandemic occurred.

The appellant failed to present reliable evidence to support the argument that COVID-19 affected the value of the subject. Consequently, it is impossible to conclude the subject property was not uniformly assessed due to COVID-19 or its market value adversely affected to any extent. In this matter, the appellant is pursuing neither of these bases for COVID-19 relief.

Instead, the appellant has taken a broad brush to the actions of the Cook County Assessor regarding 2020 assessments and concluded erroneously that every property was afforded a COVID-19 Adjustment. The Board finds the appellant’s request in this appeal for an assessment reduction is based in part on a claim that the assessor uniformly issued COVID-19 reduction is wholly without merit in light of the publications provided by the appellant from the county assessor’s office. This assertion by the appellant is simply false.⁴

Conclusion

Based on this record, the Board finds the subject's assessment is excessive based on the appraisal of the subject property warranting a reduction in the subject's assessment on market value grounds but no further adjustment in the assessment is warranted either with regard to flooding/a parcel being unbuildable and/or the purported uniform COVID-19 adjustment claim made by the appellant in this appeal.

⁴ Throughout the publications of the Cook County Assessor issuance of COVID-19 Adjustments were phrased in terms of “when warranted”; based on our Data Science team’s estimates of local changes in unemployment; and “not necessarily” was there a guarantee that a reduction would issue to a given property.

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 19, 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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