



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

APPELLANT: Martin O'Malley
DOCKET NO.: 21-31638.001-R-1 through 21-31638.003-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Martin O'Malley, the appellant, by attorney Brian S. Maher, of Weis, DuBrock, Doody & Maher, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
21-31638.001-R-1	14-30-221-048-1001	16,406	31,684	\$48,090
21-31638.002-R-1	14-30-221-048-1002	8,203	15,842	\$24,045
21-31638.003-R-1	14-30-221-048-1003	14,453	27,912	\$42,365

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 2021 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 three residential condominium units in a 24-year-old masonry building. Each unit contains 1,194, 1,194 and 1,840 square feet of living area, respectively, for a gross building area of 4,228 square feet. The first-floor unit is duplexed to the full finished walkout style basement; the second floor is one unit; and the third-floor unit is duplexed to the finished attic. Units -1001, -1002 and -1003 have respective ownership interests in the condominium of 42%, 21% and 37%. The parcel also has a detached three-car carport. The parcel contains an approximately 3,125 square foot site and is located in Chicago, Lake View Township, Cook County. The subject is classified as a class 2-99 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 prepared by Rita Quinn, a Certified Residential Real Estate Appraiser, estimating the subject property to have a market value of \$1,145,000 as of April 16, 2022. The appraisal was prepared for Martin O'Malley and his representative Timothy Doody with the purpose to determine the "current market value of the subject property based on current use as residential small income property." (See Supplemental Addendum). The appraiser prepared both the income and sales comparison approaches to value. The appraisal also identified the owner of record as "CTLTC CS96 1736" and reported, as of the effective date of the appraisal, two units were occupied by tenants and one unit was vacant. The appraiser performed an inspection of the subject property in connection with the report.

As part of the Addendum, Quinn stated, in pertinent part, the subject was constructed and intended to be sold individually as three condo units. However, subsequently the units were rented and the property is currently being used as a three unit residential income property. All units have the same owner and no units are owner occupied. Thus, the purpose of the appraisal is to determine current market value "as if" the property has been de-converted from condo ownership to one PIN and valued at its current use as a rental, income property. Given the "as if" nature of the report and the current zoning, the appraiser was of the opinion that conversion to a 2-4 residential income property would be a legal and conforming use, albeit stating a lack of expertise in zoning matters.

Upon inspection, vacant unit 1 was in the process of being repaired due to damage due to misuse of the property by the prior tenant along with appliance replacement as necessary. Both tenant occupied units were in average condition with no recent updating as observed by the appraiser for these units.

Using the income approach to value, the appraiser utilized market data collected for 2-4 [unit] small income residential properties within the boundaries of the subject market. On page 2 of the appraisal, Quinn set forth data on three suggested rental comparables located from .07 to .65 of a mile from the subject property with gross building areas ranging from 4,268 to 6,700 square feet of building area. Each comparable was reported to be similar to the subject with an urban, busy street location, not subject to rent control, year to year leases, and ages ranging from 3 to 25 years old. The subject and each comparable includes water, sewer and trash service in the rental rate. The current monthly rental rate of the comparables ranges from \$7,450 to \$9,150 or from \$1.34 to \$2.14 per square foot gross building area.

The appraiser also summarized that collected rental data reflected monthly rents ranging from \$2,600 to \$4,495 with a median of \$3,200 per month for 3-4 bedroom/2-3 bath duplex designed apartments. The subject reports monthly rental rates for units 2 and 3 of \$2,000 and \$2,100, respectively. The rental income for vacant unit 1 was estimated by Quinn using the median monthly rental rate of \$3,200. Therefore, Quinn opined a market rent for the subject units of \$3,200, \$2,000 and \$2,100, respectively, resulting in a gross monthly rent of \$7,300 or a total annual income of \$87,600. Quinn then calculated the gross monthly rent of \$7,300 by a gross rent multiplier of 156.84 to arrive at an indicated value of the subject property using the income approach to value of \$1,144,932.

In the sales comparison approach on page 3, Quinn set forth three sales and one listing of suggested comparable properties located from .07 of a mile to 1.48-miles from the subject. The buildings range in age from 23 to 127 years old. Each comparable is reported to have gross building sizes ranging from 3,342 to 4,350 square feet of gross building area and each building is reported to have three units. The three sales occurred from July 2021 to February 2022 for prices ranging from \$379,000 to \$400,000 per unit with the listing having an asking price of \$466,333 per unit. Considering the foregoing data, Quinn estimated the subject property had a market value of \$381,000 per unit or \$1,143,000.

In reconciling the approaches to value, Quinn placed most weight on comparable sale #1 due to proximity and having three PINs like the subject. The appraiser adjusted the listing price as well since it was not a closed sale. In the reconciliation summary, Quinn reported the sales value opinion as \$1,145,000 and the income conclusion as \$1,144,932. In final reconciliation, Quinn gave primary emphasis to the sales comparison approach with support from the income approach, estimating the subject property had a market value of \$1,145,000 as of April 16, 2022.

Based on this evidence, the appellant requested a reduction in the subject's assessment reflective of the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total combined assessments for the subject of \$134,500. The subject's combined assessment reflects a market value of \$1,345,000, 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 a document entitled Condominium Analysis Results for 2021 prepared by Marco Fernandez. This analysis, in substance, reported that "no sales information [was] available" for the three units that are the subject matter of this appeal. The analysis appears to conclude that the estimated market value based on the assessments of the units is correct.

In further response to the appellant's appraisal report, the board of review asserted the basis of the valuation by the appraiser was based upon "bulk sale and income." The board of review placed little weight on this evidence arguing that "recent market data supports higher [market value] than appraisal." Next, the board of review set forth what appear to be addresses for twelve properties of unknown classification, age, foundation and/or characteristics. Of the twelve sales prices set forth, three addresses lack dates of sale. Eight of the listed addresses depict square foot ranges from 1,200 to 2,200 suggesting, based purely on size, that the properties are individual condominium units. The nine properties with both a sale price and date of sale occurred from July 2020 to December 2021 for prices ranging from \$320,000 to \$580,000. No further detailed information about these properties was submitted by the board of review. Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant presented an appraisal setting forth a combined value for the three residential condominium units as of April 16, 2022 of \$1,145,000. In response to the appeal, the board of review reported none of the subject residential condominium units had any [recent] sales data. As part of an analysis, the board of review requested confirmation of the subject's assessment and also set forth a "list" of twelve purported sales, only nine of which include dates of sale.

The Board finds the submission by the board of review lacks sufficient data for the Property Tax Appeal Board to make a reasoned analysis of the similarity and/or comparability of the suggested sale properties in terms of location, use, age, and/or other features in comparison to the subject. The only information in this evidence is a street address, a size for some of the properties, a sales price and a date of sale for nine of the properties. In light of the lack of sufficient data for a comparative analysis, the Property Tax Appeal Board has given no weight to these purported sales presented by the board of review.

The Board finds the only substantive and credible evidence of market value in the record is the appraisal submitted by the appellant. The Board has examined the appraisal report as outline above and finds the appraiser presented a reasoned and credible report which was not contradicted by any substantive evidence submitted by the board of review. In addition, the appraiser identified the ownership, current use and current efforts to de-convert the subject property from a condominium building to a three-flat townhouse. The subject's assessment reflects a market value of \$1,345,000, including land, which is above the appraised value established by the appellant's appraisal report of \$1,145,000 which was not substantively refuted by the board of review in light of the rental of each of the three residential condominium units and ownership of all units by the same owner who is seeking to de-convert the property.

Therefore, the Board finds the subject property had a market value of \$1,145,000 as of the assessment date at issue. Since market value has been established the level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10% shall apply along with the respective ownership interests of the three parcels on appeal. (86 Ill.Admin.Code §1910.50(c)(2).

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: _____

January 21, 2025



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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