



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

APPELLANT: Sergio Garcia  
DOCKET NO.: 21-44895.001-R-1 through 21-44895.002-R-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Sergio Garcia, the appellant, by John W. Zapala, of the Law Offices of John Zapala, P.C. 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:

<b>DOCKET NO</b>	<b>PARCEL NUMBER</b>	<b>LAND</b>	<b>IMPRVMT</b>	<b>TOTAL</b>
21-44895.001-R-1	18-13-428-013-0000	2,194	371	\$2,565
21-44895.002-R-1	18-13-428-014-0000	2,194	16,238	\$18,432

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 a two-story multi-family building of masonry exterior construction with 2,842 square feet of gross building area. The building is approximately 100 years old. Features include a full unfinished basement, central air conditioning and a two-car garage. The two-parcel property has a combined 7,020 square foot site and is located in Summit, Lyons 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 lack of assessment equity concerning the improvement as the basis of the appeal. In support of the inequity argument, the appellant submitted information on five suggested comparable properties located in the same neighborhood code as the subject and in Summit within .55 of a mile from the subject. The comparables consist of class 2-11 buildings of masonry exterior construction which are 19 to 92 years old. The comparables range in size

from 2,482 to 3,360 square feet of gross building area. Each building has a full basement, two of which have finished area and one of which is finished as an apartment. Comparable #3 has central air conditioning and each comparable has a two-car garage. The comparables have improvement assessments ranging from \$13,204 to \$16,514 or from \$4.73 to \$5.34 per square foot of gross building area.

In addition, as part of the brief, counsel set forth an income analysis prepared "using data from the appellant's 2018, 2019, and 2020 1040-Schedule-Es." Counsel asserts that the 2020 property tax expense of \$10,084 paid in 2020 represents 56.45% of net operating income, after allowable expenses, collected in that year. Counsel further reported that the actual expense data was derived as well from the appellant's tax returns. Based on the data, counsel set forth an overall capitalization rate of 10.7987% for a total fair market value of \$184,310.

Based on the foregoing evidence, the appellant requested a reduced combined improvement assessment of \$13,428 or \$4.72 per square foot of gross building area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total combined assessment for the subject of \$20,997. The subject property has a combined improvement assessment of \$16,609 or \$5.84 per square foot of gross building area.

In support of its contention of the correct assessment, the board of review submitted information on four equity comparables located in Summit, in the same neighborhood code as the subject and two of which are within ¼ of a mile from the subject. The comparables consist of class 2-11 two-story buildings of frame or masonry exterior construction which range in age from 60 to 110 years old. The buildings range in size from 2,464 to 2,865 square feet of gross building area. Each comparable has a full or partial basement finished with an apartment and two comparables each have a two-car garage. The comparables have improvement assessments ranging from \$14,329 to \$17,106 or from \$5.82 to \$5.97 per square foot of gross building area. Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

### **Conclusion of Law**

As an initial matter, the Board shall address the purported income approach to value presented in the brief filed herein by counsel on behalf of the appellant. "Each appeal shall be limited to the grounds listed in the petition filed with the Board. (Section 16-180 of the [Property Tax] Code)" 86 Ill.Admin.Code §1910.50(a). As the appellant through counsel purported to develop an income approach to value using the subject's actual income and expenses. The Board finds this argument that the subject's assessment is excessive when applying an income approach based on the subject's actual income and expenses unconvincing and not supported by evidence in the record. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

[I]t is the value of the "tract or lot of real property" which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . .

[E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value".

Many factors may prevent a property owner from realizing an income from property that accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d at 431.

Actual expenses and income can be useful when shown that they are reflective of the market. The appellant did not demonstrate through any type of expert opinion or documentation that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using an income approach, as the appellant's counsel seems to have attempted, one must establish through the use of market data the market rent, vacancy and collection losses, and expenses to arrive at a net operating income reflective of the market and the property's capacity for earning income. Further, the appellant must establish through the use of market data a capitalization rate to convert the net income into an estimate of market value. The appellant's legal counsel did not provide such evidence; therefore, the Property Tax Appeal Board gives this purported argument and purported evidence no weight.

The taxpayer contends assessment inequity as the 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.

The parties submitted a total of nine equity comparables to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #3 and #4 as well as board of review comparables #1 and #3 as each is significantly newer than the subject building that is 100 years old.

The Board finds the best evidence of assessment equity to be appellant's comparables #1, #2 and #5 along with board of review comparables #2 and #4 which are each more similar to the subject in location, age, design, size and some other features. These comparables have improvement assessments ranging from \$14,329 to \$16,146 or from \$4.73 to \$5.91 per square foot of gross building area. The subject's combined improvement assessment of \$16,609 or \$5.84 per square foot of gross building area falls above the range established by the best comparables in terms of overall assessment and within the range on a per-square-foot basis which appears to be logical since the subject features central air conditioning and none of the best comparables have that amenity. Based on this record and after considering appropriate adjustments to the best comparables for differences when compared to the subject property, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not 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.

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Chairman



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Member



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Member



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Member



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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: June 18, 2024



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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

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