



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

APPELLANT: Esther Berman
DOCKET NO.: 22-28213.001-R-1
PARCEL NO.: 11-19-100-007-0000

The parties of record before the Property Tax Appeal Board are Esther Berman, the appellant, by attorney Kevin P. Burke, of Smith Hemmesch Burke & Kaczynski, 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: \$84,966
IMPR.: \$132,534
TOTAL: \$217,500

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 2022 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 three-story single-family dwelling of masonry exterior construction with approximately 8,093 square feet of living area.¹ The dwelling was constructed in 1897 making the home approximately 126 years old. The home is reported to have an effective age of 15-20 years. Features include a full walkout-style unfinished basement, central air conditioning, 5½ bathrooms, seven fireplaces, a 2, 750 square foot coach house, a one car carport and a four-car garage.² The property has a 38,621 square foot site and is located in

¹ The board of review reported a dwelling size of 8,660 square feet of living area with no supporting data. The appellant's appraiser included a schematic drawing to support the reported dwelling size of 8,093 square feet which the Board finds to be the best supported evidence in the record.

² The board of review reported no air conditioning, fewer bathrooms, and did not include the coach house, the carport and/or the garage. The appellant's appraisal includes photographs of the air conditioning mechanicals, bathrooms, and the exterior of the coach house which provides the best record evidence of these features.

Evanston, Evanston Township, Cook County. The subject is classified as a class 2-09 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 Lawrence D. Merzel, a Certified Residential Real Estate Appraiser, for a refinance transaction where the client is 1st Equity Bank. Using the cost and sales comparison approaches to value, the appraiser estimated the market value of the subject using fee simple property rights of \$2,175,000 as of January 20, 2022.

The appellant's appraiser, Merzel, reported the property to be in average condition with no repairs noted. The appraiser further reported the interior of the coach house was not viewed due to illness concerns.

Under the cost approach the appraiser estimated the subject had a site value of \$940,000. The appraiser estimated the replacement cost new of the improvements using a quality rating of B+ as of January 2022 for the dwelling, coach house and garage/carport amenities to be \$1,932,697. The appraiser estimated physical depreciation to be \$483,174 resulting in a depreciated improvement value of \$1,449,523. The appraiser also estimated the site improvements had a value of \$35,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$2,424,523 under the cost approach.

Under the sales comparison approach, Merzel analyzed three comparable sales located in Evanston and from .83 to .98 of a mile from the subject property. The comparables consist of parcels ranging in size from 12,210 to 22,655 square feet of land area. Each is improved with a three-story dwelling ranging in age from 108 to 130 years old. The comparables range in size from 4,818 to 11,482 square feet of living area. Features include basements, two of which have finished area and one of which is a walkout style. The homes have central air conditioning, 4½ or 5½ bathrooms, two or six fireplaces, and a two-car or three-car garage. Two comparables have coach houses, and one comparable has a swimming pool. The comparables sold between May and August 2021 for prices ranging from \$2,025,000 to \$2,325,000 or from \$187.25 to \$482.57 per square foot of living area, including land.

In comparing the comparable properties to the subject, the appraiser made an adjustment to sale #3 for financing/concessions and made additional adjustments for site size, bathroom count, dwelling size, basement finish and/or walkout feature, garage capacity, fireplace count, and/or outside amenities/coach house. The analysis resulted in adjusted sales prices for the comparables ranging from \$2,118,275 to \$2,477,875, land included. From this process, the appraiser estimated a value for the subject by the sales comparison approach as \$2,175,000, including land.

In his final reconciliation, the appraiser concluded an estimate of value of \$2,175,000 noting the sales comparison approach is most applicable. Based on this evidence, the appellant requested a total assessment to \$217,500 which would reflect the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$301,315. The subject's assessment reflects a market value of \$3,013,150 or \$372.32 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 eight suggested comparable properties on two grid analyses sheets.³ The comparables are located in the same neighborhood code as the subject and comparables #2 and #3 are further described as being in the same block and ¼ of a mile from the subject. Comparables #1 through #4 are class 2-09 properties and comparables #5 through #8 are class 2-05 properties. While each comparable includes assessment data, only comparables #1, #3, #6 and #8 which also depict sales data are responsive to this overvaluation appeal and will be analyzed herein.

As to comparables #1, #3, #6 and #8, the parcels range in size from 5,000 to 19,953 square feet of land area and are each improved with two-story dwellings of stucco or frame exterior construction. The homes range in age from 110 to 121 years old and range in size from 1,782 to 6,064 square feet of living area. Features of the dwellings include full unfinished basements, and 1½ to 4½ bathrooms. Two homes have central air conditioning, and three homes have either one or three fireplaces. Three comparables each have a two-car garage. These four comparables sold from May 2021 to September 2022 for prices ranging from \$710,000 to \$1,685,000 or from \$260.55 to \$398.43 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant argued that the board of review did not present arguments or any challenge to the facts and opinions in the appraisal report. While the board of review provided eight suggested comparables, only four of those properties include sales data and none of this information is supported with relevant documentation. The appellant further noted that the subject dwelling is substantially larger than two of the suggested sales and the subject is a three-story dwelling whereas none of these properties presented by the board of review are of similar design, noting there "is little semblance between these properties and the subject property." Finally, in rebuttal, the appellant erroneously asserted the subject property does not have a garage, despite the appraisal evidence to the contrary.

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 submitted a refinancing appraisal of the subject property with an opinion of market value as of January 20, 2022, and the board of review submitted four suggested comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparables #6 and #8, as these dwellings are each

³ For ease of reference, the Board has renumbered the second grid analysis as comparables #5 through #8.

significantly smaller than the subject dwelling and these properties differ as class 2-05 homes when compared to the subject that is a class 2-09 home.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant along with some consideration given to board of review comparable sales #1 and #3. The appraiser developed both the cost and sales comparison approaches to value and utilized three sales to opine a value for the subject in arriving at an opinion of value as of January 20, 2022, of \$2,175,000. The board of review failed to criticize the appraisal in any manner. Furthermore, the board of review submitted two sales, comparables #1 and #3, which are similar class 2-09 dwellings, with smaller lot sizes, much smaller living area, fewer bathrooms, fewer fireplaces, and less garage capacity than the subject with no mention of a coach house amenity, as compared to the subject. Nevertheless, these two properties sold in May and August 2021 for prices of \$1,580,000 and \$1,685,00 or for \$260.55 and \$306.64 per square foot of living area, including land.

The subject's assessment reflects a market value of \$3,013,150 or \$372.32 per square foot of living area, including land, which is above the appraised value and also above the two "best" sales presented by the board of review on a square foot of living area basis. On this limited record, the Board finds the subject property had a market value of \$2,175,000 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. (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

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: July 15, 2025

Clerk of the Property Tax Appeal Board

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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