



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

APPELLANT: 5/3rd Bank
DOCKET NO.: 22-28298.001-C-1
PARCEL NO.: 11-18-317-008-0000

The parties of record before the Property Tax Appeal Board are 5/3rd Bank, the appellant, by attorney Aron Bornstein, of BMI Bornstein LLC 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: \$112,000
IMPR.: \$149,250
TOTAL: \$261,250

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 property is a 8,960 square foot site located in Evanston, Evanston Township, Cook County. The subject is classified as a class 5-17 property under the Cook County Real Property Assessment Classification Ordinance. The subject improvement is an approximately 71-year-old, one-story masonry constructed commercial building with 7,437 square feet of building area. Features of the building include a bar and restaurant.

Appellant contends overvaluation as the basis of the appeal. In support of this argument, appellant submitted an appraisal estimating the subject property had a market value of \$1,045,000 as of January 1, 2022.

The appraiser determined the subject's highest and best use as improved was its current use. The appraiser used the income and sales comparison approaches to value.

Under the income approach, the appraiser analyzed four comparable rentals located within 0.34 miles of the subject property. The rental prices per square foot ranged from \$23.32 to \$37.74 after adjustments, and from this the appraiser estimated a total potential gross income of \$228,316. The appraiser stabilized the vacancy rate at 5.0% for an effective gross income (EGI) of \$216,900. Expenses were then deducted to arrive at a net operating income (NOI) of \$156,549 or 72.2%. Next, the appraiser calculated the overall capitalization rate of 14.69% utilizing the mortgage-equity technique. Dividing the NOI by the capitalization rate of arrived at an indicated fee simple value via the income approach of \$1,070,000, rounded.

Under the sales comparison approach, the appraiser utilized four comparable sales located within 3.97 miles of the subject property. The comparable properties ranged in size from 1,115 to 6,100 square feet of building area. The properties were each improved with industrial buildings built from 1938 to 1976 and sold from February 2019 to September 2021 for prices ranging from \$170,000 to \$888,000 or from \$129.50 to \$152.47 per square foot. The appraiser then adjusted for configuration/size, land-to-building ration, condition, and age. The appraiser concluded that based on the sales data and applying adjustments to the comparable sales for differences from the subject, the subject had a market value of \$137.00 a square foot at 7,437 square feet or \$1,020,000 rounded.

In reconciling the two approaches to value, the appraiser gave equal weight to the sales comparison and the income approach. The appraiser arrived at the final opinion of value for the subject property of \$1,045,000 as of January 1, 2022.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$261,250 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$333,720. The subject's assessment reflects a market value of \$1,334,488 including land, when applying the level of assessments for class 5-17 property under the Cook County Real Property Assessment Classification Ordinance of 25%. The board of review did not submit any other evidence or documentation to support its contention of the correct assessment.

A consolidated hearing for tax years 2022, 2023 and 2024¹ was held before the Property Tax Appeal Board on July 20, 2026. Present for the hearing were appellant counsel Aron Bornstein, appraiser David Conaghan, and board of review representative Margaret Heydt.

Mr. Conaghan testified as an Illinois Certified General Real Estate Appraiser. He is the owner of The PJC Group and has worked as an appraiser for 24 years. He has appraised golf courses to high rises, assisted living to condominiums and vacant land. Mr. Conaghan testified he has appraised over a thousand industrial buildings in his career for bankruptcy purposes as well as divorce, has been qualified as an expert to testify in the evaluation of real estate, and prepared the report in this case. Mr. Conaghan was admitted as an expert witness in the field of real estate appraisals without objection.

¹ 2023-22409, 2024-20417 will be the subject of separate decisions.

Mr. Conaghan testified that the subject property is a 8,960 square foot site improved with a 71-year-old, one story, masonry constructed two-unit commercial building with 7,437 square feet of building area. Mr. Conaghan testified the condition of the property was average and its best and highest use was to continue as improved. Mr. Conaghan testified he used the income approach looking at four comparable properties. He concluded an appropriate value for market rent of \$30.70 per square foot. Calculating management at 5%, insurance at 3.4%, repairs at 4.6%, landscaping and snow removal 4.3%, maintenance at 5.1%, legal at 2.8%, and replacement reserve at 2.6%. Factoring in a 5% vacancy rate gives a NOI of \$156,549. Dividing the NOI by the capitalization rate of 14.65% resulted value based on the income approach rounded to \$1,070,000.

Mr. Conaghan testified he used the sales comparison approach looking at four sales of buildings being used as restaurants, describing each one, the adjustments from the subject, their distance from the subject, the type of deed used to convey, and that the comparables were conveyed in arm's length transactions. Mr. Conaghan concluded after analysis and adjustments for differences from the subject of the four sales comparables that the subject had a value of \$1,020,000.

In reconciling the approaches to value, Mr. Conaghan gave them equal weight to estimate a final value for the subject as of January 1, 2022, of \$1,045,000.

Mr. Conaghan was questioned on cross examination regarding a section in his appraisal report that stated the Chicago industrial market was seeing record levels of demand, leasing activity was at a "record clip", and that a strong pace "of absorption" will continue in 2022. Mr. Conaghan testified that the pace coming out of Covid was getting back to pre-Covid levels and the statement without analysis was misleading. Mr. Conaghan testified that there were no sales comparable properties used from the town where the subject is located even though he did a five-mile radius search as none were sold. Mr. Conaghan speculated that many restaurants are rental. Mr. Conaghan testified that one of the sales comparables was 6000 square feet smaller than the subject but was chosen because of its use and sale date. Mr. Conaghan testified the date of the most recent comparable sale used in the appraisal was 2021 and all the sales comparables are pre-Covid. Mr. Conaghan testified that one of the sales comparables was only listed as "deed" as that was all the information available.

The board of review representative argued in their case in chief that one of the sales comparables was an administrative deed where title is conveyed through the probate process and is not indicative of a fair market sale. The board of review argued nor does Illinois consider a special warranty deed as a fair market value sale price when compiling their sales ration data for calculating tax rates: only warranty deeds or trust deeds are considered. The board of review argued that based on the photo submitted in the appraisal that another of the comparable sales looked vacant which would impact the value. The board of review noted all the comparables were in Chicago which is a different market than the subject's suburban location, and the pre-covid dated sales are outdated and do not account for the upward surge in the commercial market. It was noted that the assessor's office did not change the assessment for the subject in the instant triennial, and per the board of review the 2023 and 2024 assessed value went straight to an administrative no change without a review.

Conclusion of Law

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

The Board finds the most credible evidence of market value to be the appraisal submitted by the appellant. The appraisal relies on the income approach, as well as the sales comparison approach, utilizing four comparable properties respectively providing market-based adjustments to arrive at an opinion of value for the subject property. The board of review argued that as one of the sales comparable used an administrative deed and all were outdated, as well as the indication the commercial market was improving, the appraisal does not carry the weight of appellant's burden. However, the board of review submitted only opinion evidence to support the claim of improving markets and submitted no sales data to support the correctness of the current assessment. As there is no other evidence of market value in the record and considering the burden of proof, the board finds the subject's assessment of \$333,720 reflects a market value above the best evidence in the record. The Board finds that the subject property had a market value of \$1,045,000 as of the assessment date at issue. Because market value has been established, the level of assessment for Class 5-93 property under the Cook County Real Property Assessment Classification Ordinance applies. (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: _____

September 15, 2026



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

5/3rd Bank, by attorney:
Aron Bornstein
BMI Bornstein LLC
952 West Huron Street
Chicago, IL 60642

COUNTY

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