



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

APPELLANT: Sergio Garcia  
DOCKET NO.: 22-54531.001-R-1 through 22-54531.002-R-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Sergio Garcia, the appellant, by attorney 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
22-54531.001-R-1	18-13-428-013-0000	2,193	372	\$2,565
22-54531.002-R-1	18-13-428-014-0000	2,193	16,239	\$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 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 two parcel property is improved with a two-story multi-family building of masonry construction with 2,842 square feet of gross building area assessed on parcel 18-13-428-014-0000 (hereinafter -014). The building is approximately 100 years old. Features include a full basement, central air conditioning, 2 bathrooms, and a two-car garage. The parcels have a combined 7,020 square foot site which are located in Summit, Lyons Township, Cook County. Parcel -013, which has not been contested in this appeal, is a class 2-01 property improved with a garage. Parcel -014 is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity concerning the apartment building improvement as the basis of the appeal. In support of this argument, the appellant submitted information on five equity comparables located in the same neighborhood code as the subject and within .57 of a

mile from the subject. The comparables consist of class 2-11 two-story two-unit or three-unit buildings of masonry exterior construction that range in age from 21 to 94 years old. The buildings range in size from 3,055 to 3,360 square feet of gross building area. Four comparables have full basements and comparable #1 has a crawl-space foundation. The comparables have 2 to 5 bathrooms and three comparables each have a two-car garage. Two comparables each have central air conditioning. The comparables have improvement assessments ranging from \$14,360 to \$16,514 or from \$4.70 to \$5.09 per square foot of gross building area. Based on this evidence, the appellant requested a reduced improvement assessment of \$13,359 or \$4.70 per square foot of gross building area.

In addition, counsel for the appellant set forth a narrative in the brief purporting to be an income analysis prepared using the subject's actual income, actual expenses and net income for years 2019 through and including 2021. After determining an average income for the past three years of \$19,466 and then applying a tax load of 3.81% and a base capitalization rate of 6.51%, counsel reported a fair market value for the subject of \$188,850 was determined for a total assessment of \$18,885.

The board of review submitted its "Board of Review Notes on Appeal." The appellant submitted a copy of the final decision disclosing the total combined assessment for the subject two parcels of \$20,997. Parcel -014 has an improvement assessment of \$16,239 or \$5.71 per square foot of gross building area.

In support of its contention of the correct assessment, the board of review submitted information four equity comparables located in the same neighborhood code as the subject and ¼ of a mile from the subject. The comparables consist of class 2-11 two-story buildings of masonry exterior construction which are 84 to 102 years old. The buildings range in size from 2,296 to 2,664 square feet of gross building area. Three comparables have full basements and comparable #4 has a concrete slab foundation. The comparables have 2, 2½ or 3 bathrooms and either a 1.5-car or a 2-car garage. The comparables have improvement assessments ranging from \$15,211 to \$16,972 or from \$5.71 to \$7.01 per square foot of gross building area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

### **Conclusion of Law**

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.

"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). However, the appellant's counsel also purported to develop an income approach to value using the subject's actual income and expenses. The Property Tax Appeal 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 no weight in addition to the fact that the sole basis of this appeal was lack of assessment equity as shown in the appeal petition.

Finally, the Board further finds it problematic that appellant's counsel developed the "income approach" rather than an expert in the field of real estate valuation. The Board finds that an attorney cannot act as both an advocate for a client and also provide unbiased, objective opinion testimony of value for that client's property.

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 the appellant's comparables #2, #3 and #4 along with board of review comparables #1 and #4, due to the differences in building size of approximately 14% to 19% when compared to the subject and other comparables in the record.

The Board finds the best evidence of assessment equity consists of appellant's comparables #1 and #5 as well as board of review comparables #2 and #3, which are similar to the subject in location and design and more similar in building size and some features. Adjustments to these comparables for differences in age, bathroom count and/or garage amenity are necessary to make the comparables more equivalent to the subject. These best four comparables have improvement assessments ranging from \$14,360 to \$16,972 or from \$4.70 to \$6.42 per square foot of gross building area. The subject building on parcel -014 has an improvement assessment of \$16,239 or \$5.71 per square foot of gross building area, which is within the range of the best comparables in

the record both in terms of overall improvement assessment and on a per-square-foot of building area basis.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the taxation burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence.

Based on this record and after considering appropriate adjustments to the best comparables in the record for differences when compared to the subject, 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.



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: \_\_\_\_\_

August 19, 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

AGENCY

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

Sergio Garcia, by attorney:  
John W. Zapala  
Law Offices of John Zapala, P.C.  
111 W Jackson Blvd.  
Suite 1700  
Chicago, IL 60604

COUNTY

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