



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

APPELLANT: Jonathan & Kimberly Starke  
DOCKET NO.: 11-04534.001-R-1  
PARCEL NO.: 14-02-404-028

The parties of record before the Property Tax Appeal Board are Jonathan & Kimberly Starke, the appellants; and the Lake County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the **Lake** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$43,394  
**IMPR.:** \$223,579  
**TOTAL:** \$266,973

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Lake County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2011 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 single family dwelling of brick exterior construction with 5,736 square feet of living area. The dwelling was constructed in 1994. Features of the home include a full walk-out basement with finished area,<sup>1</sup>

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<sup>1</sup> The appellant's appraisal reports finished area in the basement, whereas the board of review's property record card indicates an unfinished basement. The

central air conditioning, two fireplaces and a three car built-in garage containing 852 square feet. The property has a 247,777 square foot site and is located in Hawthorne Woods, Ela Township, Lake County.

Jonathan and Kimberly Starke appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, Jonathan Starke called as his witness Alan D. Zielinski. Zielinski is a Certified Residential Real Estate Appraiser licensed in Illinois and a Certified Illinois Assessing Officer. Zielinski is a Township Assessor in McHenry County. Zielinski testified that he has over a decade of experience in residential valuation focusing on complex properties.

Zielinski testified that he prepared an appraisal of the subject property. The purpose of the appraisal was to develop an opinion of market value of the subject property as of January 1, 2011. Zielinski provided direct testimony regarding the appraisal methodology and final value conclusion. Zielinski relied on the cost approach and sales comparison approach to value. The appraisal report conveys an estimated market value of \$575,000 as of January 1, 2011.

Under the cost approach Zielinski estimated the subject had a site value of \$290,000 based on sales or listings, which were not included in the report. The report indicated the appraiser estimated the replacement cost new of the improvements to be \$832,931 using the Marshall and Swift cost manual. The appraiser estimated the subject had an actual/effective age of 17 years and a total economic life of 60 years. Using the age-life method, physical depreciation was estimated to be \$235,969. The appraiser calculated the depreciated cost of the building improvements to be \$596,962. The appraiser then added the land value of \$290,000 to arrive at an estimated value under the cost approach of \$886,962.

Under the sales comparison approach to value, Zielinski utilized four suggested sales located in Hawthorne Woods. The comparables are located from .11 to .67-miles from the subject. The dwellings were described as 1.5-story or two-story dwellings of brick, frame or brick and frame exterior construction. The subject was described as being in average condition like comparables #1, #2 and #4. Comparable #3 was described as "totally redone" condition. Comparable #3 has a full finished

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Property Tax Appeal Board finds the subject property has a finished basement based on an interior inspection by the appraiser.

basement and comparable #1, #2 and #4 have a full unfinished basement. All the comparables have central air conditioning, one or two fireplaces and a three-car attached garage. One comparable has an in-ground pool. The dwellings are from 17 to 23 years old. The dwellings range in size from 3,113 to 3,690 square feet of living area and are situated on lots that range in size from 40,142 to 53,001 square feet of land area. The comparables sold from March 2010 to April 2011 for prices ranging from \$370,000 to \$570,000 or from \$100.27 to \$160.25 per square foot of living area including land.

Zielinski adjusted the comparables for differences when compared to the subject in site size, view, quality of construction, actual age, condition, above grade rooms, room count, gross living area, basement/finished area, rooms below grade, heating/cooling, porch/patio/deck, fireplace(s), basement bath(s) and in-ground pool. The adjustments resulted in adjusted sale prices ranging from \$533,000 to \$610,500 or from \$144.44 to \$181.18 per square foot of living area, land included. Based on the adjusted sale prices, Zielinski concluded the subject had an estimated market value under the sales comparison approach of \$575,000 or \$100.24 per square foot of living area including land.

During cross-examination, Zielinski testified that he made an adjustment for "site size" based on the comparables' land assessed valuation as determined by the assessor when compared to the subject's assessed valuation. Zielinski stated that he did not convert the assessed valuation to market value. Zielinski testified that the adjustment for "view" was based on limited sample sizes that were available and years of experience to determine the adjustment. Zielinski testified that his 7% adjustment for "quality of construction" was obtained from Marshall & Swift Cost Manual. It is the difference between frame and brick of the unadjusted price of the comparable. Zielinski testified that the \$95,000 adjustment for condition of comparable #3 was due to a total update and a perception of value. Zielinski testified that he used a \$6,000 bath differential for a full bath. Zielinski testified that the Illinois Real Property Appraisal Manual (IRPAM) uses approximately \$1,850 per fixture or \$5,500 per bath. Zielinski stated that IRPAM is used by assessing officials and he also relies on IRPAM for adjustment process in the sales comparison approach. Zielinski stated that the bath adjustments were supported by market data and IRPAM. Zielinski testified that a \$30 per square foot of gross living area was used based on super-adequacy (overbuilding) using his judgment. Zielinski

testified that he relies on IRPAM when his appraisals are for "ad valorem" purpose. Zielinski testified that his methodology and value conclusion is different when the appraisal is for "ad valorem" purposes.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$266,973. The subject's assessment reflects a market value of \$823,482 or \$143.56 per square foot of living area, land included, when using the 2011 three year average median level of assessment for Lake County of 32.42% as determined by the Illinois Department of Revenue.

Representing the board of review was Karl Jackson. Jackson called Ela Deputy Assessor Shawn Oakley as a witness. Oakley testified that he is a Certified Residential Real Estate Appraiser in Illinois and a Certified Illinois Assessing Officer.

In support of its contention of the correct assessment the board of review submitted information on four suggested comparable sales. The board of review included property record cards, a grid analysis and location map. The board of review also included both parties' Multiple Listing Service (MLS) sheets and photographs. The comparables are improved with two-story single family dwellings located from .13 to 2.0 miles from the subject property. Oakley testified that even the farthest comparable at 2.0 miles is in the subject's market area. The dwellings were of brick or brick and frame exterior construction and were built from 1992 to 2009. The comparables have a basement<sup>2</sup> with three of the comparables having a finished basement.<sup>3</sup> Each of the comparables has central air conditioning, two or four fireplaces and a garage ranging in size from 783 to 1,177 square feet of building area. These properties have sites ranging in size from 40,417 to 124,834 square feet of land area. The dwellings range in size from 3,449 to 5,867 square feet of living area. The comparables sold from March 2010 to July 2012 for prices ranging from \$675,000 to \$1,100,000 or from \$152.31 to \$195.71 per square foot of living area, including land.

### **Conclusion of Law**

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<sup>2</sup> Two comparables have a walk-out basement and one comparable has an English basement based on the property record cards.

<sup>3</sup> Three of the four comparables have finished area in the basement indicated by the MLS sheet.

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

In this appeal, the appellants submitted an appraisal estimating the subject property had a market value of \$575,000 as of January 1, 2011. The appellants' appraisal witness relied on four suggested sales in estimating the market value of the subject property. The board of review provided four comparable sales in support of the subject's assessment. After reviewing the data and considering the testimony, the Board finds the appellants' valuation witness was neither credible nor persuasive. First, the appraiser testified he made adjustments for "site" based on their assessments rather than market value. Second, the appraiser's adjustments were based on experience, data collected, Marshall & Swift Cost Manual, and the Illinois Real Property Appraisal Manual. However, there was no documentation submitted showing how these adjustments were calculated in the appraisal. Third, the appraiser testified that his methodology and value conclusion is different when the appraisal is for "ad valorem" purposes, which is highly problematic. These unsupported arguments undermined the value conclusion.

The board of review submitted four comparable sales for the Board's consideration. The Board gave less weight to the board of review comparable sale #4 due to its considerably smaller dwelling size when compared to the subject. The Board finds the best evidence of market value to be the board of review comparable sales #1, #2 and #3. These comparables are more similar to the subject in location, dwelling size, age, design and features. Due to these similarities the Board gave these three comparables more weight. These most similar comparables sold for prices that range from \$712,500 to \$1,100,000 or from \$152.31 to \$187.49 per square foot of living area, including land. The subject's assessment reflects a market value of \$823,482 or \$143.56 per square foot of living area, including land, which is below the most similar sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

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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.

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Chairman

*K. L. Fan*

*Klaus Albrecht*

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

*JR*

*Jerry White*

\_\_\_\_\_  
Member

\_\_\_\_\_  
Acting Member

*Robert Steffen*

\_\_\_\_\_  
Acting Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

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: November 20, 2015

*A. Proctor*

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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 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 the subsequent year 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.

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.