



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

APPELLANT: Jason Howard
DOCKET NO.: 13-02218.001-R-1
PARCEL NO.: 16-29-112-014

The parties of record before the Property Tax Appeal Board are Jason Howard, the appellant, by attorney Timothy Johnston of Roach Johnston & Thut, in Libertyville, 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: \$62,748
IMPR.: \$309,297
TOTAL: \$372,045

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 2013 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 cedar and stone exterior construction with approximately 5,083 square feet of living area.¹ The dwelling was constructed in 2010. Features of the home include a full

¹ The appellant's appraiser included a detailed two-story schematic drawing with the appraisal report to support the stated dwelling size of 5,083 square feet. The board of review reported a dwelling size of 5,325 square feet supported by a property record card with a less-detailed schematic drawing. The Property Tax Appeal Board finds for purposes of this decision, the appellant presented the better evidence of dwelling size.

finished basement, central air conditioning, three fireplaces and an attached four-car garage of 885 square feet. The property has an approximately 23,440 square foot site and is located in Deerfield, West Deerfield Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$935,000 as of January 1, 2013. The appraisal was prepared to establish an opinion of market value for ad valorem tax assessment appraising the fee simple rights.

The appraiser utilized both the cost and sales comparison approaches to value. Under the cost approach the appraiser estimated the subject had a site value of \$185,000. The appraiser estimated the replacement cost new of the improvements to be \$767,120. The appraiser estimated depreciation to be \$20,456 resulting in a depreciated improvement value of \$746,664. The appraiser also estimated the site improvements had a value of \$10,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$941,700 under the cost approach to value.

Under the sales comparison approach to value, the appraiser analyzed three comparable sales located within 1.95-miles from the subject property. The comparables were described as parcels ranging in size from 16,117 to 22,215 square feet of land area which were improved with "Contemporary" brick and stucco or brick and stone dwellings that were 6 or 7 years old. The comparable dwellings range in size from 4,921 to 5,965 square feet of living area. Features of the comparables include finished basements, central air conditioning, three or four fireplaces and a three-car garage. Two of the comparables also have balconies. These comparable properties sold between March 2011 and April 2012 for prices ranging from \$850,000 to \$1,078,500 or from \$172.73 to \$180.80 per square foot of living area including land.

The appraiser reported that no time adjustments were made due to stable property values in the area for the prior year. Adjustments were made for lot size, bathroom count, gross living area, basement size, garage space count, fireplace count and/or additional amenities. From this process, the appraiser opined adjusted sales prices ranging from \$868,600 to \$1,006,000. In arriving at an opinion of value under the sales comparison approach, the appraiser reported considering all three sales as adjusted and determining a value in the middle of the range of \$935,000.

In reconciling the two value conclusions, the appraiser reported the sales comparison approach is considered most reflective of the expectations of market participants and was given primary consideration with support from the cost approach. Therefore, the appraiser opined a market value for the subject of \$935,000 as of January 1, 2013.

Based on the foregoing evidence, the appellant requested an assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$372,045. The subject's assessment reflects a market value of \$1,119,269 or \$220.20 per square foot of living area based on a dwelling size of 5,083 square feet, land included, when using the 2013 three year average median level of assessment for Lake County of 33.24% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a letter outlining criticisms of the appraisal report and addressing details of the comparables presented in support of the assessment along with a grid analysis and supporting documentation.

As to the appraisal report, the board of review argued that appraisal sales #1 and #2 are located in unincorporated Deerfield about 1.9 miles from the subject. Moreover, sale #1 occurred about 19 months prior to the assessment date at issue. Comparable sale #3, while close in proximity to the subject, is not located on the park like the subject which was reported to back up to Woodland Park (village park district).² As such, the board of review did not agree with the value conclusion of the appraisal report.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located within .31 of a mile of the subject property. The comparables were described as parcels ranging in size from 14,405 to 31,370 square feet of land area which were improved with two-story brick dwellings that were built between 2004 and 2008. The comparable dwellings range in size from 4,976 to 5,629 square feet of living area. Features of the comparables include basements, two of which have finished areas, central air conditioning, one or two fireplaces and garages ranging in size from 704 to 1,075 square feet of building area. The comparable properties sold between April 2012 and September 2013 for prices ranging from \$1,170,000 to \$1,450,000 or from \$217.15 to \$265.16 per square foot of living area including land.

In its letter, the board of review acknowledged that its comparable dwellings were "somewhat older than the subject" but contend the properties have similar appeal and bracket the subject in living area, basement size, basement finished area, garage size and site size.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

² An aerial depiction submitted by the board of review reveals there are two baseball diamonds in Woodland Park, located not far from the two rear corners of the subject property line.

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

The Board has given reduced weight to the value conclusion of the appellant's appraisal report. The Board finds the appraiser's reliance in the sales comparison approach of two dwellings that were not proximate in location to the subject and carried much lower sales prices than dwellings closer in proximity to the subject substantially reduced the value conclusion of the appraisal report making it lack credibility on this record. Having discounted the value conclusion of the appraisal, the Board will examine the raw sales data submitted by both of the parties.

There are seven comparable sales in this record as presented by the parties. The Property Tax Appeal Board has given reduced weight to appellant's comparable sales #1 and #2 which are distant from the subject property. The Board finds the remaining five comparables submitted by both parties had varying degrees of similarity to the subject dwelling, but were each proximate in location to the subject.

Due to their similarities to the subject, these five comparables received the most weight in the Board's analysis. These five properties were located from .04 to .31 miles from the subject property. The comparables sold between March 2012 and September 2013 for prices ranging from \$1,078,500 to \$1,450,000 or from \$180.80 to \$265.16 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,119,269 or \$220.20 per square foot of living area, including land, which is within the range established by the most similar comparables both in terms of overall value and on a per-square-foot basis. After considering the most comparable sales on this record and giving due consideration to the subject's newer age and other differences in features, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not warranted.

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.

Mario Albino

Chairman

K. L. Ferr

Member

JR

Member

Jerry White

Acting Member

Robert Hoffmann

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: April 22, 2016

A. Heston

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.