



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

APPELLANT: Mark Winick
DOCKET NO.: 15-01856.001-R-1
PARCEL NO.: 16-30-410-013

The parties of record before the Property Tax Appeal Board are Mark Winick, the appellant, by attorney Abby L. Strauss, of Schiller Strauss & Lavin, PC, in Chicago; and the Lake 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 **Lake** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 60,929
IMPR.: \$ 92,217
TOTAL: \$153,146

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 2015 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 dwelling of wood siding exterior construction that has 2,777 square feet of living area. The dwelling was built in 1975. The home features an unfinished basement, central air conditioning, a fireplace and a 483 square foot garage. The subject has a 12,054 square foot site. The subject property is located in West Deerfield Township, Lake County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property. The appraiser developed the cost and sales comparison approaches to value in arriving at an opinion of value of \$420,000 as of January 1, 2015. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$153,146. The subject's assessment reflects an estimated market value of \$461,561 or \$166.21 per square foot of living area including land when applying the 2015 three-year average median level of assessment for Lake County of 33.18%.

In support of the subject's assessment, the board of review submitted six comparable sales that had varying degrees of similarity when compared to the subject. The comparables sold from July 2013 to August 2015 for prices ranging from \$500,000 to \$640,000 or from \$190.99 to \$243.37 per square foot of living area including land.

With respect to the appellant's evidence, the board of review argued that under the cost approach the appraiser estimated the subject's site value at \$44,000 "per County Tax Assessor" whereas assessment records show the subject's site value had an estimated value of \$182,806. The subject's Multiple Listing Service sheet shows it was remodeled and renovated in 2005, nonetheless, the appraiser adjusted comparables #1 and #3 for modernization. The board of review argued all the comparables are older in age and smaller in dwelling size than the subject and the appraiser applied adjustments for their difference in size by only \$10.00 per square foot of living area whereas typical market adjustments are \$50.00 to \$75.00 per square foot of living area. Comparable #3 sold in "as is" condition. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 failed to meet this burden of proof and no reduction in the subject's assessment is warranted.

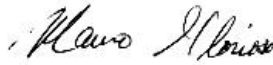
The appellant submitted an appraisal estimating the subject property has a market value of \$420,000 as of January 1, 2015. The Board gave little weight to the appraisal report. Under the cost approach, the appraiser did not utilize comparable land sales to estimate the subject's site value, but merely used an incorrect site value "per County Assessor." With regard to the sales comparison approach to value, all the comparables are dissimilar split-level¹ style dwellings when compared to the subject. Comparables #1 and #2 are smaller in dwelling size and the adjustments amounts applied for dwelling size difference is suspect and not supported by an objective market evidence. Comparables #2 and #3 are older in age when compared to the subject with no adjustment. All these factors severely undermine the credibility of the appraisal report.

The board of review submitted six comparable sales for the Board's consideration. The Board gave less weight to comparables #1 and #3 due to their 2013 sale date, which are dated and less indicative of market value as of the subject's January 1, 2015 assessment date. Furthermore,

¹ Although the appraiser described comparable #1 as a "colonial" dwelling, photographs depict a split-level dwelling.

comparable #1 is newer in age than the subject. The Board gave less weight to comparable #3 due to its dissimilar one-story design when compared to the subject. The Board finds comparable sales #2, #5 and #6 are more similar to the subject in location, design, age, dwelling size and features. They sold from April to August of 2015 for prices ranging from \$558,000 to \$640,000 or from \$221.60 to \$243.37 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$461,561 or \$166.21 per square foot of living area including land, which falls well below the range established by the most similar comparable raw sales in the record. After considering any logical adjustments to the comparables for differences when compared to the subject, the Board finds the subject's assessment is supported. In fact, the most credible market evidence suggests the subject property may be under-assessed. Based on this analysis, the Board finds no reduction in the subject's assessment is 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.



Chairman



Member



Member



Acting 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: _____

April 21, 2017



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.