



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

APPELLANT: Roman Pieprzycki
DOCKET NO.: 15-02044.001-R-1
PARCEL NO.: 14-26-402-008

The parties of record before the Property Tax Appeal Board are Roman Pieprzycki, the appellant, by attorney Scott Shudnow of Shudnow & Shudnow, Ltd., 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: \$ 67,980
IMPR.: \$107,003
TOTAL: \$174,983

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 one-story dwelling of brick exterior construction that has 2,843 square feet of living area. The dwelling was built in 1972. The home features an unfinished basement, central air conditioning, two fireplaces, a swimming pool and a 575 square foot garage. The subject has 3.1435 acres or a 136,538 square foot site.¹ The subject property is located in Ela 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 sales comparison approach to value using five suggested comparable sales in arriving at an opinion of value of \$477,500 as of January 1, 2015. Based on this evidence, the appellant requested a reduction in the subject's assessment.

¹ See Geographical Information System (GIS) map submitted by the board of review.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$174,983. The subject's assessment reflects an estimated market value of \$527,375 or \$185.50 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 four comparable sales located within .67 of a mile from the subject. One comparable was used by the appellant's appraiser. The comparables had varying degrees of similarity when compared to the subject. The comparables sold from July 2013 to November 2014 for prices ranging from \$445,000 to \$565,000 or from \$177.33 to \$287.97 per square foot of living area including land.

With respect to the appellant's evidence, the board of review argued that the appellant's appraiser used a site of 2.0 acres whereas the subject property has a 3.20-acre site, therefore the land adjustments applied to the comparables were understated or wrong. The board of review argued the appraiser applied conservative adjustments amounts for differences in dwelling size by only \$40.00 per square foot of living area given that homes in area typically sell for prices ranging from \$160.00 to \$300.00 per square foot. Appraisal comparables #3 and #5 sold in 2013, approximately 15 or 16 months prior to the January 1, 2015 assessment date. The board of review argued comparables #1, #2 and #4 are located over one mile from the subject. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's counsel argued the board of review submitted four unadjusted raw sales that do not resemble an appraisal. The appellant's counsel claimed the board of review comparables have been highly upgraded prior to sale based on the MLS sheets submitted.

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 \$477,500 as of January 1, 2015. The Board gave little weight to the appraisal report and finds the opinion of value is not credible. The Board finds the appellant's appraiser valued the subject property as if it had two acres of land area. Credible documentation in the form of a Geographical Information System (GIS) map depicts the subject's site has 3.1435 acres or 136,538 square feet of land area. This error further weakens the adjustment process or lack thereof applied to the comparables for their differences in land area. Notwithstanding the land size error, the Board finds appellant's appraiser supplied no objective evidence to support the nominal land value adjustments. With regard to the comparable sales used, comparables #1, #2 and #4 are not located in close proximity to the subject. Comparables #2 and #3 are older when compared to the subject and no adjustments was applied. The low adjustments amounts applied for dwelling size difference is suspect and not supported by an objective market evidence.

Comparables #3 and #5 sold in 2013, which are dated and less indicative of market value regardless of the adjustments applied for sales date.² Finally, the appellant's appraiser concluded the comparables had adjusted sale prices ranging from \$174.12 to \$203.64 per square foot of living area including land, yet concluded the subject had an estimated market value of \$167.96 per square foot of living area including land, less than the adjusted comparables on a per square foot basis. All these factors undermine the credibility of the appraisal report and final value conclusion.

The board of review submitted four comparable sales for the Board's consideration. The Board gave less weight to comparables #1 and #3. Comparable #1 sold in 2013, which is dated and less indicative of market value as of the subject's January 1, 2015 assessment date. Comparable #3 is older in age and does not have a basement, dissimilar to the subject. The Board finds comparable sales #2 and #4 are more representative of the subject's market value. These properties are located in close proximity to the subject, sold proximate in time to the January 1, 2015 assessment date and are similar in age and design when compared to the subject. Comparable #2 was similar in site size to the subject, but was inferior in dwelling size and does not have swimming pool. It sold in November of 2014 for \$565,000 or \$287.97 per square foot of living area including land. Comparable #4 has a considerably smaller site, lacked a swimming pool, but was slightly larger in dwelling size when compared to the subject. It sold in November of 2014 for \$560,000 or \$177.33 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$527,375 or \$185.50 per square foot of living area including land, which is less than the most representative comparable sales on an overall basis and between the most representative comparables on a per square foot basis. After considering any logical adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. The Board further finds the most similar comparable sales contained in this record further undermine the appellant's appraiser's final opinion of value of \$477,500 or \$167.96 per square foot of living area including land. Based on this analysis, the Board finds no reduction in the subject's assessment is warranted.

² The Board finds the record contains other sales that occurred more proximate in time to the subject's January 1, 2015 assessment that could have been considered by the appellant's appraiser.

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



Acting Member



Member




Acting 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: June 23, 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.