



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

APPELLANT: Gina Lansky
DOCKET NO.: 15-02267.001-R-1
PARCEL NO.: 15-33-402-039

The parties of record before the Property Tax Appeal Board are Gina Lansky, the appellant; and the Lake County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A Reduction** 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: \$11,856
IMPR.: \$76,469
TOTAL: \$88,325

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 part one-story and part two-story dwelling of frame construction. The dwelling was constructed in 1978 and contains approximately 1,831 square feet of living area.¹ Features of the home include a full basement with finished area, central air conditioning, a fireplace and 2-car garage. The subject is situated on a site that is approximately 3,800 square feet in size located in Buffalo Grove, Vernon Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal prepared by Dmitriy Fleyshev estimating the subject property had a market value of \$265,000 or \$144.73 per square foot of living area including land as of January 1, 2015. In developing the sales comparison approach to value, the appraiser analyzed four comparables that sold from July to December 2014 for prices ranging from \$247,609 to

¹ Both the appraiser and the board of review report the subject is a two-story dwelling containing approximately 1,831 square feet of living area.

\$300,000 or from \$140.93 to \$225.00 per square foot of living area including land. The comparables are described as two-story, split-level, or part one-story and part two-story dwellings² of frame or masonry construction ranging in size from 1,200 to 1,757 square feet of living area. They range in age from 30 to 36 years old and are located from .77 of a mile to 1.74 miles from the subject. The comparables had features with varying degrees of similarity to the subject. After adjusting for differences with the subject, the comparables' adjusted sale prices ranged from \$258,609 to \$282,500. Based on these adjusted sales, the appraiser concluded a final value using the sales comparison approach to value of \$265,000.

The appraiser also developed the cost approach which placed a value of \$263,100 on the property. In reconciliation, the appraiser gave more weight to the sales comparison approach as it best represents the expectations of buyers and sellers.

The appellant also submitted information on five sales comparable properties which have varying degrees of similarity as compared to the subject. The comparables are located from .20 of a mile to 2.08 miles from the subject. The comparables sold from April 2014 to January 2015 for prices ranging from \$340,000 to \$412,000 or from \$209.58 to \$251.38 per square foot of living area including land.

Although the appellant did not indicate equity on the appeal form, the appellant did make an equity argument regarding the subject's land assessment. The appellant submitted land assessment information on the same five comparables which ranged in size from 6,000 to 10,239 square feet of land area. The land assessments ranged from \$24,642 to \$28,009 or from \$2.41 to \$4.18 per square foot of land area. Based on this evidence, the appellant requested the total assessment be reduced to \$82,052 or a market value of approximately \$246,181 or \$134.45 per square foot of living area including land at the statutory level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessed valuation of \$97,919 which reflects a market value of \$295,115 or \$161.18 per square foot of living area, land included, when using the 2015 three-year average median level of assessment for Lake County of 33.18% as determined by the Illinois Department of Revenue. The board of review also disclosed the subject's land assessment of \$18,749 or \$4.93 per square foot of land area.

With respect to the appellant's evidence, the board of review acknowledged the dwelling was erroneously described as a tri-level dwelling but that was corrected in February 2017.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales which were the same properties as appellant's comparables #1 through #4. The comparables sold from April to July 2014 for prices ranging from \$340,000 to \$412,000 or from \$238.10 to \$251.38 per square foot of living area including land. The board of review also argued the best indicator of market value in the record is the appellant's appraisal which estimated the subject property had a market value of \$265,000 as of January 1, 2015. In the grid analysis the board of review disclosed the sites ranged in size from 6,000 to 10,239 square feet of land area. The land assessments for the comparables ranged from \$24,642 to \$28,009 or from

² Based on the photographic evidence in the appraisal, comparable #4 is part one-story and part two-story.

\$2.41 to \$4.11 per square foot of land area. Based on this evidence, the board of review offered to reduce the subject's assessment to \$88,325.

In written rebuttal, the appellant cites errors related to the subject dwelling and which ones were corrected after the field visit. The appellant also requested a total assessment to \$65,611, which reflects a market value of approximately \$197,000. The appellant rejected the board of review's proposed assessment.

Conclusion of Law

The Board finds the appellant made an equity argument with regard to the land value of the subject. 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 met this burden of proof and a reduction in the subject's land assessment based on equity is warranted.

The Board gave more weight to the appellant's equity argument based on land valuation. The Board finds the land assessments of the appellant's five comparables, four of which were also the board of review comparables, ranged from \$2.41 to \$4.18 per square foot of land area. The subject's land assessment of \$4.93 per square foot of land area is greater than the comparables submitted by both parties.

The appellant also 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 appellant submitted an appraisal estimating the subject property had a market value of \$265,000 or \$144.73 per square foot of living area as of January 1, 2015. The Board finds two of the comparables used by the appraiser are located a considerable distance from the subject, which calls into question the credibility of the final opinion of value in the appraisal report. The board of review argued the appraisal was the best indicator of market value in the record and offered to stipulate to a total assessed valuation of \$88,325 which reflects a market value of \$266,200 or \$145.39 per square foot of living area, land included. Based on the comparable sales, the appraisal and the inequitable land assessment, the Board finds a reduction in the subject's total 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. 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: April 17, 2018



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

Gina Lansky
20939 North Dogwood Street
Deerfield, IL 60015

COUNTY

Lake County Board of Review
18 North County Street
7th Floor
Waukegan, IL 60085