



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

APPELLANT: Hugo Velarde
DOCKET NO.: 15-03006.001-R-1
PARCEL NO.: 16-26-409-003

The parties of record before the Property Tax Appeal Board are Hugo Velarde, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC 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: \$67,865
IMPR.: \$191,109
TOTAL: \$258,974

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 2-story dwelling of brick exterior construction built in 1978. The dwelling contains 4,116 square feet of living area and features a basement with 1,417 square feet of finished area¹, central air conditioning, 2 fireplaces and a 572 square foot garage. The subject has a 12,271 square foot site and is located in Highland Park, Moraine 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 James A. Matthews in which he estimated the subject property had a market value of \$610,000 or \$148.20 per square foot of living area including land as of January 1, 2015. The appraiser analyzed three comparables that sold from

¹ The board of review's grid analysis indicates the subject has an unfinished basement; however, the Property Record Card and the appraisal both document the finished area in the subject's basement.

June 2013 through January 2015 for prices ranging from \$618,000 to \$655,810 or from \$130.19 to \$182.78 per square foot of living area including land. After adjusting for differences with the subject in site, quality, room count, dwelling size, basement finish and other dissimilar features, the comparables' adjusted sale prices ranged from \$606,634 to \$661,908. The appraiser also developed the cost approach which valued the property at \$619,604. In reconciliation the appraiser gave more weight to the market data approach which best reflects the attitudes of the real estate market participants.

Based on this evidence, the appellant requested the total assessment be reduced to \$203,313 or a market value of approximately \$610,000 or \$148.20 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 total assessment for the subject property of \$258,974. The subject's January 1, 2015 assessment reflects an estimated market value of \$780,512 or \$189.63 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%. as determined by the Illinois Department of Revenue.

With respect to the appellant's evidence, the board of review reported two sales in the appraisal were outside the subject's market area and assessment neighborhood being east of the METRA commuter line. The board of review also cited the older ages of the comparables in the appraisal and that no adjustments were made for the age differences.

In support of the subject's assessment, the board of review submitted six comparable sales. These comparables are described as 1.75 or 2-story dwellings of brick or stone construction built between 1963 and 1984. They range in size from 3,335 to 4,569 square feet of living area and are located a distance of .04 to 1.32 miles from the subject. They feature basements with finished areas, central air conditioning, 1 or 2 fireplaces and garages that range in size from 462 to 780 square feet of building area. These comparables sold from August 2013 to October 2014 for prices ranging from \$640,000 to \$1,042,000 or from \$184.13 to \$232.64 per square foot of living area including land. The board of review also reported the subject sold on January 1 2016, 12 months after the subject's assessment date of January 1, 2015, for \$776,999 or \$188.78 per square foot of living area including land, but submitted no evidence to support the claim.

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

In rebuttal, the appellant's counsel asserted, "All six of the comparable properties submitted by the Lake County Board of Review have finished basements. The subject property does not have a finished basement." (See footnote 1). Counsel also set forth differences in bathrooms and exterior construction.

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 appellant submitted an appraisal estimating the subject property had a market value of \$610,000 or \$148.20 per square foot of living area as of January 1, 2015. The Board gave less weight to the appraisal report based on the age of comparables #1 and #2 which were 47 and 53 years older than the subject, yet no adjustments were made for this dissimilarity. In addition, the sale date of comparable #2 occurred 18 months prior to the subject's assessment date of January 1, 2015 and no adjustments were made for market changes that may have occurred during this time. Instead, the Board will analyze the raw sales submitted by both parties.

The parties submitted nine sales comparables for the Board's consideration. Less weight was given to appellant's comparables #1 and #2 based on age of the dwelling and/or dated sale. Less weight was also given to board of review comparables #2 through #6 based on distance from the subject, sale dates not proximate in time to the subject's assessment date, and/or dissimilar dwelling size as compared to the subject. The Board finds the best evidence of market value in the record to be appellant's comparable #3 and board of review comparable #1. These comparables were most similar to the subject in location, style, exterior construction, age and most features. They sold proximate in time to the subject's assessment date of January 1, 2015 for \$655,810 and \$850,000 or for \$182.78 and \$189.73 per square foot of living area including land, respectively. The subject's assessment reflects an estimated market value of \$780,512 or \$189.63 per square foot of living area which is supported by the most similar comparable sales in the record on both a total market value basis as well as a per square foot basis. Based on this evidence, the Board finds no reduction in the subject's assessment based on overvaluation 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



Acting 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: August 18, 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.