



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

APPELLANT: Kevin Kelly  
DOCKET NO.: 15-03053.001-R-1  
PARCEL NO.: 13-24-301-019

The parties of record before the Property Tax Appeal Board are Kevin Kelly, 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 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:** \$58,433  
**IMPR.:** \$216,540  
**TOTAL:** \$274,973

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 brick exterior construction with 5,835 square feet of living area. The dwelling was constructed in 1991. Features of the home include a finished basement, central air conditioning, three fireplaces, an 839 square foot garage and an in-ground swimming pool. The property has a 96,630 square foot site and is located in North Barrington, Cuba 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 \$825,000 as of January 1, 2015. The appraisal was prepared by William Neberieza, a certified residential real estate appraiser. In estimating the market value of the subject property the appraiser developed the sales comparison approach to value using three comparable sales located within 2.50 miles from the subject property. The comparables consist of two-story dwellings that were

built from 1989 to 2002. The dwellings had features with varying degrees of similarity when compared to the subject. Comparable #3 had an in-ground swimming pool. The dwellings contain from 4,705 to 5,072 square feet of living area and are situated on sites that contain from 56,628 to 99,078 square feet of land area. The comparables sold from September 2014 to June 2015 for prices ranging from \$705,000 to \$770,000 or from \$142.94 to \$163.66 per square foot of living area including land. The appraiser made adjustments to each comparable for differences from the subject property to arrive at adjusted prices ranging from \$762,700 to \$828,500. The appellant requested the total assessment be reduced to \$274,973 which would reflect the January 2015 appraisal.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's final assessment of \$318,997. The subject's assessment reflects an estimated market value of \$961,414 or \$164.77 per square foot of living area including land when applying Lake County's 2015 three-year average median level of assessment of 33.18% as determined by the Illinois Department of Revenue. 86 Ill.Admin.Code §1910.50(c)(1).

In support of the subject's assessment, the board of review submitted information on four comparable sales located within .87 of a mile from the subject property. The comparables consist of one-story or two-story dwellings that were built from 1974 to 2007. The dwellings had features with varying degrees of similarity when compared to the subject. Comparable #2 had an in-ground swimming pool. The dwellings range in size from 4,138 to 5,869 square feet of living and are situated on sites that contain from 46,497 to 110,642 square feet of land area. The comparables sold from May 2014 to January 2016 for prices ranging from \$835,000 to \$1,022,500 or from \$163.82 to \$217.50 per square foot of living area including land. The board of review submission included property record cards and Multiple Listing Service sheets (MLS) for the subject and its four comparable sales. The board of review submission also included a memo asserting that the appellant's comparable sales "exceed 2.10 miles in distance of the subject." 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The record contains an appraisal submitted by the appellant and information on four comparable sales provided by the board of review. The Board gave less weight to the board of review's comparables #2 through #4 due to their dissimilar dwelling design, older age, or lack of a finished basement when compared to the subject property.

The Board finds the best evidence of market value to be the January 1, 2015, appraisal submitted by the appellant, estimating the subject property had a market value of \$825,000. The subject's assessment reflects a market value above the best evidence of market value in the record. Based

on this evidence the Board finds the subject is overvalued and a reduction in the assessment is justified.

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(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) 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



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: September 22, 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 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

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