



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

APPELLANT: Steve Demos G & S Brothers, LLC
DOCKET NO.: 15-04093.001-R-1
PARCEL NO.: 08-17-321-014

The parties of record before the Property Tax Appeal Board are Steve Demos G & S Brothers, LLC, the appellant, by attorney Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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: \$16,611
IMPR.: \$23,389
TOTAL: \$40,000

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 1-story commercial building of brick construction containing 1,722 square feet of building area. The building was constructed in 1982. The property site is approximately 13,200 square feet in size and is located in Waukegan, Waukegan Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales. They are described as commercial buildings ranging in size from 2,000 to 7,421 square feet of building area.¹ The sites range in size from 7,497 to 15,000 square feet of land area and are located from .01 to .45 of a mile from the subject. These comparables sold between June 2013 and November 2015 for prices ranging

¹ The appellant submitted no information regarding the number of stories, the age or exterior construction of the comparables. Building sizes were taken from the schematics, which were in some cases illegible.

from \$45,000 to \$180,000 or from \$14.00 to \$24.26 per square foot of building area including land.

Based on this evidence, the appellant requested the total assessment be reduced to \$27,002 or a market value of approximately \$81,000 or \$47.04 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 of \$63,271. The subject's assessment reflects a market value of \$190,690 or \$110.74 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.

With respect to the appellant's evidence, the board of review states appellant's comparable #1 was a dormant building needing repair and was subsequently demolished; comparable #2 was a vacant office requiring build-out and purchased by a not-for-profit from investors; comparable #3 was not advertised for sale; comparable #4 was a sheriff's sale and comparable #5 has over four times more building square footage than the subject. The board of review claims the subject is a "restaurant oriented" building and their comparables are similar buildings located within seven miles of the subject.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales. They are described as 1-story commercial brick buildings ranging in size from 1,725² to 3,783 square feet of building area. The comparables were built between 1940 and 1985. The sites range in size from 14,000 to 76,230 square feet of land area and are located 4.52 to 7.16 miles from of the subject. These comparables sold between July 2014 and September 2015 for prices ranging from \$290,500 to \$650,000 or from \$103.75 to \$173.91 per square foot of building area including land. The board of review also submitted property record cards and/or Multiple Listing Sheets for the appellant's comparables showing the appellant's buildings were built between 1954 and 1975 with no age given for comparable #3. The board of review also submitted Real Estate Transfer Declarations for appellant's comparables #3 and #5 indicating the sales were not advertised.

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

In written rebuttal, counsel for the appellant argued the board of review comparables should be given less weight due to their distances from the subject of five to seven miles.

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

² The board of review states in the grid analysis that comparable #3 contains 2,000 square feet of building area. However, a printout from the assessor's office submitted by the board of review shows the size to be 1,725 square feet of building area.

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 Board finds none of the comparable sales submitted by either party were particularly similar to the subject and located near the subject. The Board gave less weight to the board of review comparables based on their distance from the subject. The Board also gave less weight to appellant's comparables #3 and #5 based on unadvertised sales and comparable #4 based on a dated sale from 2013. The Board finds appellant's comparables #1 and #2 are most similar to the subject and located in close proximity the subject. However, these comparables are significantly older and inferior to the subject, with comparable #1 being sold as a tear-down. They sold for \$45,000 and \$61,000 or for \$22.50 and \$18.04 per square foot of building area including land, respectively. The subject's assessment reflects a market value of \$190,690 or \$110.74 per square foot of living area, including land, which is above the two best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment is justified taking into account the age and inferior nature of the two best comparables.

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: February 20, 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

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