



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

APPELLANT: John & Carla Bunnell
DOCKET NO.: 15-06690.001-R-1
PARCEL NO.: 05-16-101-023

The parties of record before the Property Tax Appeal Board are John & Carla Bunnell, the appellants; 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: \$6,813
IMPR.: \$40,560
TOTAL: \$47,373

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 seasonal dwelling of concrete block construction built in 1930. The dwelling contains 2,028 square feet of living area on a crawl-space foundation and features a fireplace. The subject is situated on an island and has an 8,843 square foot site. It is located in Fox Lake, Grant Township, Lake County.

The appellants contend both assessment inequity and overvaluation as the bases of the appeal. In support of these arguments the appellants submitted information on six comparables described as 1.5 or 2-story brick or frame dwellings built between 1933 and 1955. They range in size from 1,758 to 2,064 square feet of living area and feature garages. Four comparables have unfinished basements, four have central air conditioning and three feature fireplaces. The comparables have sites that range in size from 7,405 to 31,068 square feet of land area. They are located from .42 of a mile to 2.03 miles from the subject but are not located on an island. The comparables have improvement assessments ranging from \$17,288 to \$42,668 or from \$8.38 to \$22.33 per square

foot of living area. Three comparables sold between April 2013 and January 2015 for prices ranging from \$67,500 to \$92,000 or from \$32.70 to \$46.28 per square foot of living area land included.

The appellants submitted a cover letter providing more details about the subject. It is on an island which is accessible only by boat and inaccessible in the winter months. The owner states the dwelling is not heated¹ and has no insulation, no city water or sewer, no mail service, and children are unable to use the school system due to inaccessibility. The plumbing in the dwelling must be drained in the winter to prevent damage from freezing. According to the owner, fire, police and emergency services are inadequately provided. The appellants' also submitted MLS Listing Sheets and histories of four unsold properties on the same island as the subject. Regarding equity, the appellants stated the board of review "arbitrarily and unfairly raised the (island's homes' assessed values) by 26%," then used these values as equity comparables.

Based on this evidence, the appellants requested the improvement assessment be reduced to \$34,854 or \$17.19 per square foot of living area. The requested reduction in the improvement assessment results in a requested total assessment of \$41,667 or a market value of approximately \$125,000 or \$61.64 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 \$58,116. The subject's assessment reflects a market value of \$175,154 or \$86.37 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 subject property has an improvement assessment of \$51,303 or \$25.30 per square foot of living area.

With respect to the appellants' evidence, the board of review states the subject benefits from its direct waterfront location on part of the "Chain-of-Lakes" whereas none of the appellants' comparables have direct access to that waterway system.

In support of the subject's assessment the board of review submitted information on six comparables. The comparables are described as 1 or 2-story frame dwellings that were built between 1940 and 1960. They range in size from 1,125 to 2,104 square feet of living area. Two comparables feature unfinished basements, one has central air conditioning, three feature fireplaces and two have garages or boat houses that contain either 460 or 672 square feet of building area. The comparables have sites that range in size from 5,532 to 21,878 square feet of land area and are located on the same island as the subject within .21 of a mile from the subject. Two comparables sold in October 2012 and June 2014 for prices \$150,000 and \$157,500 or for \$128.42 and \$120.97 per square foot of living area land included, respectively. Two comparables are listings from 2016 with asking prices of \$129,000 and \$130,000. The six comparables have improvement assessments ranging from \$33,325 to \$51,289 or from \$24.18 to \$37.22 per square foot of living area.

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

¹ The subject's Property Record Card submitted by the board of review indicates the subject has forced air heat.

Conclusion of Law

The taxpayers contend in part unequal treatment as an alternative basis for the appeal. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction.

The parties submitted twelve equity comparables for the Board's consideration. The Board finds none of the comparables submitted by either party were particularly similar to the subject. The appellants' comparables differed from the subject in that they were not "island" properties. The board of review comparables were significantly smaller than the subject and/or were one-story dwellings² as compared to the subject's two-story design. The Board finds the best evidence of assessment equity to be board of review comparable #1 which was located within .02 of a mile of the subject on the same island as the subject and was similar to the subject in age, size and some features. The Board further finds this comparable was superior to the subject in that it features a heating system which the subject lacks. This comparable had an improvement assessment of \$24.18 per square foot of living area. The subject's improvement assessment of \$25.30 per square foot of living area is greater than the most similar comparable in the record. Therefore, the Board finds a reduction in the subject's assessment based on equity is warranted.

The appellants also argued overvaluation as the basis of the appeal. 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 appellants did not meet this burden of proof and no further reduction in the subject's assessment based on overvaluation is warranted.

² Although the grid analysis describes board of review comparable #1 as being 1-story, the Property Record Card shows this comparable has finished area in the attic.

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



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: March 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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