



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

APPELLANT: Francis Schnoor  
DOCKET NO.: 16-03453.001-C-1  
PARCEL NO.: 05-09-222-032

The parties of record before the Property Tax Appeal Board are Francis Schnoor, the appellant, by attorney Ronald Kingsley, of Lake County Real Estate Tax Appeal, LLC in Lake Forest, 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:

|               |          |
|---------------|----------|
| <b>LAND:</b>  | \$33,638 |
| <b>IMPR.:</b> | \$0      |
| <b>TOTAL:</b> | \$33,638 |

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 2016 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 vacant 98,363 square foot commercial site that is located on a major traffic light controlled artery known as U.S. Highway 12. The subject property is adjacent to a Burger King restaurant and it was alleged, without rebuttal, that a portion of this property provide ingress and egress for the restaurant which is owned by the same property owner. The subject property is located in central Fox Lake, Grant 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 Andrew Richter, MAI, estimating the subject property had a market value of \$25,000 or \$0.25 per square foot of land area as of January 1, 2016.

The appraiser described the subject parcel as an interior site with a net usable area of 26,277 square feet with approximately 60 feet of frontage on U.S. Highway 12. Richter reported that 86,839 square feet of the subject parcel lies within the FEMA Zone "AE" and an additional 6,149 square feet lie within the FEMA Special Flood Hazard Area. The appraiser further reported that the Lake County GIS Mapping website depicted that 72,086 square feet of the subject site is "within designated wetlands areas." (Appraisal, p. 4-5, 11)

Richter opined the highest and best use of the subject parcel, if vacant, was continued use as open land and asserted that any type of development on the site would be difficult due to the limited access and visibility as well as the existence of floodplain and wetland areas. (Appraisal, p. 12-13)<sup>1</sup> Richter described that due to limited frontage on both U.S. Highway 12 and Pistakee Lake Road, access to the subject site was poor. (Appraisal, p. 11) He also noted large trees and overgrown vegetation and weeds along much of the perimeter of the site "rendering walking around the center of the site nearly impossible." The appraiser also noted this vegetation severely restricted the visibility of much of the subject site.

Utilizing the sales comparison approach to value, the appraiser analyzed six sales that were located in Waukegan, Island Lake, Gurnee, Round Lake Park, Volo and unincorporated Lake County. The comparable parcels range in size from 31,824 to 292,491 square feet of land area. For each property, the appraiser provided information as to the applicable FEMA Flood Zone designations of both Zone A and Zone X along with the percentage area in wetlands. Comparables #1 and #4 have 47.2% and 19.7%, respectively, of their gross areas in the FEMA Zone A. Each of the comparables have FEMA Zone X designation ranging from 52.5% to 100% of the respective parcels. Each of the comparables have wetlands ranging from 5.8% to 90.4%. The comparables have varying zoning designations. The comparables sold between May 2014 and March 2016 for prices ranging from \$20,000 to \$220,000 or from \$0.14 to \$1.04 per square foot of land area.

As part of the appraisal report, Richter noted this range of sale prices is broader than preferred but occurred since in order to find a sufficient number of sales for meaningful analysis, the search expanded to include unincorporated areas of Northern Lake County. The appraiser also indicated that the primary adjustment concerns the development potential of each of these vacant sites due to floodplain and wetland areas. In this regard, Richter reported sale #1 had limited development potential due to significant portions of the site being in wetland and/or floodplain. Sale #4 has a considerable amount of floodplain and wetlands, but the location does not limit development of the site. Likewise, sales #2 and #3 have small wetland areas which do not limit development and thus these comparables have the highest prices per square foot. Sales #5 and #6 each have wetland areas, but the areas are not as large as the subject and do not limit the development potential; Richter concluded these sales sold for higher prices per square foot than applied to the subject site. (Appraisal, p. 27)

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<sup>1</sup> Inexplicably, on page 12, Richter wrote, "Although the appraised site is currently developed with both a car wash and an office/shop building, the contributory value of these buildings and the related site improvements are specifically excluded from the appraised interest, as this appraisal report values only the under-lying land." (Appraisal, p. 12)

The appraiser characterized the subject property as being mostly obscured from view and having only limited access due to limited frontage. Except for sale #1, the remaining sales were superior to the subject in overall utility resulting in downward adjustments; no adjustment was required for this factor to sale #1. (Appraisal, p. 27) Due to differences in land area, upward adjustments were indicated for all but sale #2; a downward adjustment was necessary for the smaller size of sale #2. (Appraisal, p. 28) Except for sale #4, the subject has a higher average daily traffic count indicating upward adjustments; as sale #4 on Route 41 has a higher average daily traffic count a downward adjustment was warranted. Sales #2 through #6 each have less extensive existing retail development nearby when compared to the subject which indicates upward adjustments to these comparables. (Appraisal, p. 28) The appraiser also addressed adjustments for conditions of sale when the sales were REO properties. (Appraisal, p. 28)

After making adjustments, the appraiser estimated the subject had a market value using the sales comparison approach of \$0.25 per square foot of land area or \$25,000, which was his final estimate of market value for the subject.

Based on this evidence, the appellant requested an assessment reflective of the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$33,638. The subject's assessment reflects a market value of \$101,441 or \$1.03 per square foot land area, when using the 2016 three year average median level of assessment for Lake County of 33.16% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum which noted the subject parcel is in flood zone "AE" which is an area with an annual 1% chance of flood inundation. Local zoning allows construction in this zone, just with an additional elevation. As to the comparable sales presented in the appraisal report, the board of review noted none were located within the Village of Fox Lake and only one was located within Grant Township. But for perhaps sale #3, none of the comparable sales are located on an "artery (highway) comparable to the subject." The board of review contends that three of the appraisal sales are in "unincorporated" areas [without specifying which sales]. Sale #6 reportedly has a "current" asking price of \$1,750,000 or \$6.41 per square foot as a "development opportunity." The board of review also contended that, but for perhaps sale #1, none of the appraisal sales is located in a commercial area like the subject. Given these criticisms, the board of review contends that appraisal is not credible.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales of vacant commercial or industrial land sites located from .44 of a mile to 5.08-miles from the subject property; comparables #1, #2, #4 and #5 are located in the subject's immediate Fox Lake area. Comparables #1, #4 and #5 have the same "AE" flood zone classification as the subject. The comparables range in size from 39,116 to 852,905 square feet of land area. The comparables sold between July 2014 and September 2017 for prices ranging from \$53,000 to \$1,282,000 or from \$1.15 to \$5.11 per square foot of land area. Comparable #3 is located directly behind a "Burger King" restaurant similar to the subject; comparable #5 was

recently improved with a "Culver's" restaurant. The board of review also reported that comparable #3 was "currently" listed for \$300,000 or \$4.08 per square foot of land area.

Based on the foregoing evidence and argument, 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant submitted an appraisal of the subject property and the board of review submitted data on five suggested comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has examined the appraisal and finds the appraisal is not credible based upon the appraiser's own adjustment process indicating that sales #2 through #6 all had development potential; these five sales had unadjusted sales prices ranging from \$0.44 to \$1.04 per square foot of land area. Despite the determination by Richter that the primary adjustment for this appraisal concerning the development potential of the vacant sites, the appraiser concluded a value for the subject property of \$0.25 per square foot of land area which is substantially below the best comparable sales in the record as reflected by the "primary adjustment" set forth on page 27 of the report. Most other factors considered by Richter in the adjustment process reflect upward adjustments as described on pages 27 and 28 of the appraisal report. Thus, the Board finds that the conclusion of value in the appraisal of \$0.25 per square foot of land area is not credible and not supported by the appellant's appraisal report.

The Board has also given reduced weight to board of review comparable sales #1 and #4 which each sold in 2014, dates more remote in time from the valuation date at issue of January 1, 2016 and thus less likely to be indicative of the subject's estimated market value as of the lien date.

The Board finds the best evidence of market value to be the board of review comparable sales #2, #3 and #5. Two of these comparables present similar fast food restaurant locations like the subject. These comparable sales occurred between September 2015 and September 2017 for prices ranging from \$53,000 to \$400,000 or for \$1.15 or \$1.31 per square foot of land area. The subject's assessment reflects a market value of \$101,441 or \$1.03 per square foot of land area, which is below the range established by the best comparable sales in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds a reduction in the subject's assessment is not 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(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.

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Chairman



\_\_\_\_\_  
Member

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Member



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Member

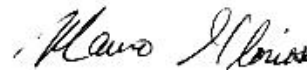
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Member

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 18, 2020



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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

Francis Schnoor, by attorney:  
Ronald Kingsley  
Lake County Real Estate Tax Appeal, LLC  
13975 W. Polo Trail Drive  
#201  
Lake Forest, IL 60045

COUNTY

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