



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

APPELLANT: Rene & Bernard Oppenheim
DOCKET NO.: 16-04055.001-R-1
PARCEL NO.: 15-36-206-001

The parties of record before the Property Tax Appeal Board are Rene & Bernard Oppenheim, the appellants, 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: \$80,375
IMPR.: \$143,581
TOTAL: \$223,956

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 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 one-story dwelling of frame exterior construction with 2,433 square feet of living area. The dwelling was constructed in 1995. Features of the home include a full basement with finished area, a fireplace, an inground swimming pool, a hot tub and a 488 square foot attached garage.¹ The property has a 11,761 square foot site and is located in Riverwoods, Vernon Township, Lake County.

The appellants contend assessment inequity as the basis of the appeal. The appellants did not contest the land assessment. In support of this argument, the appellants submitted information on three equity comparables located from .04 to .34 of a mile from the subject. The comparables are improved with one-story dwellings of frame exterior construction containing 2,244 or 2,433

¹ The Board finds the board of review noted on its grid analysis that the subject has an inground pool and a hot tub which was not refuted by the appellant.

square feet of living area. The dwellings were constructed in 1995 or 1998. The comparables have a basement, one of which has finished area. Each comparable features central air conditioning, a fireplace and a garage containing 468 or 488 square feet of building area. The comparables have improvement assessments of \$115,545 and \$131,902 or \$51.49 and \$54.21 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$223,956. The subject property has an improvement assessment of \$143,581 or \$59.01 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted four equity comparables. The board of review comparable #2 is the same property as appellants' comparable #2. The comparables located from .039 to .215 of a mile from the subject property and consist of one-story dwellings of frame exterior construction with 2,433 square feet of living area. The dwellings were constructed in 1995 or 1997. Each comparable has an unfinished basement, central air conditioning, a fireplace and a garage with 488 square feet of building area. The comparables have improvement assessments ranging from \$131,902 to \$133,961 or from \$54.21 to \$55.06 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellants contend assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellants did not meet this burden of proof and no reduction in the subject's assessment is warranted.

The Board finds the best evidence of assessment equity to be the comparables submitted by both parties which includes one common comparable. These six comparables are similar in location, dwelling size, design, age and some features when compared to the subject. These comparables had improvement assessments ranging from \$115,545 to \$133,961 or \$51.49 to \$55.06 per square foot of living area. The subject has an improvement assessment of \$143,581 or \$59.01 per square foot of living area, which falls above the range established by the most similar comparables in this record. However, the subject has a superior finished basement and inground swimming pool. After considering adjustments to the comparables for differences such as finished basement and inground pool when compared to the subject, the Board finds the subject's improvement assessment is supported.

Based on this record the Board finds the appellants did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and no reduction in the subject's assessment is justified.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence presented.

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.



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 19, 2019



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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