



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

APPELLANT: Guy & Eleanor Lamacchia
DOCKET NO.: 16-04127.001-R-1
PARCEL NO.: 02-34-401-011

The parties of record before the Property Tax Appeal Board are Guy & Eleanor Lamacchia, the appellants, by attorney Jerrold H. Mayster of Mayster & Chaimson, Ltd 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: \$41,895
IMPR.: \$76,173
TOTAL: \$118,068

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 1.5-story A-frame dwelling of brick exterior construction with 2,397 square feet of living area.¹ The dwelling was constructed in 1998. Features of the home include a full walk-out style basement with finished area, central air conditioning, a fireplace and a 440 square foot garage. The property has a 23,156 square foot site with 104 feet of lakefront on Crooked Lake. The subject property is located in Lake Villa, Lake Villa Township, Lake County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$285,000 or \$118.90 per square foot of living area as of January 1, 2015. The appraisal was prepared by

¹ The parties present a slight dwelling size discrepancy. The Property Tax Appeal Board finds the size dispute does not prevent a determination of the correct assessment.

Garry Nusinow, a certified residential real estate appraiser. The property rights appraised were fee simple and the purpose of the appraisal was to provide an opinion of market value of the subject property. Using the sales comparison approach to value, the appraiser analyzed six comparables that sold from June 2013 through November 2014 for prices ranging from \$129,200 to \$441,000 or from \$78.59 to \$244.79 per square foot of living area, including land. The comparables are located from .13 of a mile to 1.26 miles from the subject and have sites ranging in size from 6,833 to 39,584 square feet of land area. The comparables are improved with a Cape Cod, a ranch or an A-frame style dwelling of frame and masonry exterior construction ranging in size from 760 to 2,088 square feet of living area. The appraiser reported that five of the comparables have basements with finished area, four comparables have central air conditioning, four comparables have one or two fireplaces and each comparable has a one-car to a three-car garage. The appraiser made adjustments to the comparables for date of sale, location, site size, age, dwelling size and differing features to arrive at adjusted sale prices ranging from \$217,200 to \$338,000. Based on this evidence, the appellants requested the subject's assessment be reduced to \$95,000 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$118,068. The subject's assessment reflects a market value of \$356,055 or \$148.54 per square foot of living area, land included, 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 support of its contention of the correct assessment, the board of review submitted information on four comparable sales located between .084 to 1.471 miles from the subject property and have sites ranging in size from 10,744 to 27,081 square feet of land area with lake frontages ranging from 50 feet to 76 feet. Board of review comparables #2, #3 and #4 were also utilized by the appraiser as comparables #2, #1 and #3, respectively.² The comparables are improved with a 1-story, a 1.5-story or a 2-story dwelling of wood siding exterior construction. The dwellings were built from 1937 to 1990 and range in size from 1,103 to 2,662 square feet of living area. Each home has a basement with three having finished area and each home has central air conditioning, one or two fireplaces and a garage ranging in size from 420 to 660 square feet of building area. The sales occurred from May 2014 to July 2016 for prices ranging from \$270,000 to \$441,000 or from \$132.42 to \$277.79 per square foot of living area, including land.

With respect to the appellants' evidence, the board of review argued that the effective date of the appraisal is January 1, 2015 with three of the sales occurring in 2013 which are 30 to 31 months prior to the subject's January 1, 2016 assessment date.

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

Conclusion of Law

The appellants contend 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

² There is a slight discrepancy in the street address of board of review comparable #4 and the appraiser's comparable #3, but they appear to be the same property based on the descriptions.

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 a reduction in the subject's assessment is not warranted.

The appellants submitted an appraisal estimating the subject property had a market value of \$285,000 or \$118.90 per square foot of living area as of January 1, 2015. The Board gave little weight to the appellants' appraisal report. The effective date of the appraisal was one year prior to the subject's January 1, 2016 assessment date. Moreover, three of the six sales occurred in 2013, which are dated and less indicative of market value as of the subject's January 1, 2016 assessment date. Furthermore, the appraiser explained in the appraisal that he made adjustments for "site" using the assessor's 2015 land value and not market value. These factors undermine the credibility of the appraisal's final value conclusion. Instead, the Board will analyze the raw sales submitted by both parties.

The Board finds the appellants' comparables #3 through #6 sold in 2013 which are dated and less likely to be indicative of the subject's market value as of the January 1, 2016 assessment date. The Board gave less weight to the appellants' comparables #1 and #3, which are also board of review comparables #3 and #4 based on dissimilar age and/or dwelling size. The Board finds the best evidence of market value to be the appellants' comparable #2/board of review comparable #2, along with board of review comparable #1. These two comparables have lakefront sites like the subject and are similar to the subject in dwelling size, age and features. They have unadjusted sale prices of \$352,500 and \$441,000 or \$132.42 and \$211.21 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$356,055 or \$148.54 per square foot of living area including land, which is supported by the best comparable sales contained in the record. Therefore, the Board finds no reduction in the subject's assessment is warranted.

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: January 21, 2020



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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