



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

APPELLANT: Frank Cucco
DOCKET NO.: 16-04302.001-R-1
PARCEL NO.: 14-26-105-058

The parties of record before the Property Tax Appeal Board are Frank Cucco, the appellant, by attorney Margaret E. Graham of O'Keefe Lyons & Hynes, 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: \$113,641
IMPR.: \$286,531
TOTAL: \$400,172

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 two-story dwelling of brick and wood siding exterior construction with 5,497 square feet of living area. The dwelling was constructed in 2003. Features of the home include an unfinished basement, central air conditioning, three fireplaces and a 759 square foot garage. The property has a 38,768 square foot site and is located in Kildeer, Ela Township, Lake County.

The appellant submitted evidence before the Property Tax Appeal Board claiming improvement assessment inequity as the basis of the appeal.¹ In support of the improvement assessment

¹ Although the appellant did not mark assessment overvaluation as a basis of the appeal, based on the comparable sales grid analysis submitted by the appellant, the Board will analyze this appeal for both assessment inequity and overvaluation.

inequity claim, the appellant submitted a grid analysis of three assessment comparables located in the same neighborhood code as the subject as assigned by the township assessor and within .44 of a mile of the subject property. The comparables consist of two-story dwellings of brick exterior construction ranging in size from 5,558 to 6,094 square feet of living area that were built in 2002 and 2003. Each comparable features an unfinished basement, central air conditioning, two or three fireplaces and a garage ranging in size from 858 to 1,058 square feet of building area. The comparables have improvement assessments ranging from \$218,349 to \$287,395 or from \$37.91 to \$47.16 per square foot of living area.

In support of the overvaluation claim, the appellant submitted a grid analysis of three comparable sales located in the same neighborhood code as the subject as assigned by the township assessor and within .44 of a mile of the subject property. The comparables have sites ranging in size from 36,590 to 48,857 square feet of land area. The comparables consist of two-story dwellings of brick or wood siding exterior construction ranging in size from 4,710 to 5,760 square feet of living area that were built from 2001 to 2003. Each comparable features an unfinished basement, central air conditioning, one or two fireplaces and a garage ranging in size from 841 to 1,025 square feet of building area. The comparables sold from May 2013 to April 2014 for prices ranging from \$841,000 to \$912,000 or from \$151.04 to \$178.56 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$400,172. The subject's assessment reflects a market value of \$1,206,791 or \$219.54 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. The subject has an improvement assessment of \$286,531 or \$52.12 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted information on four assessment equity comparables shown as comparables #5 through #8 in the grid analysis and four comparable sales shown as comparables #1 through #4 in the grid analysis.

The four equity comparables are located in the same neighborhood code as the subject as assigned by the township assessor and within .372 of a mile of the subject property. The comparables consist of two-story dwellings of brick or brick and wood siding exterior construction ranging in size from 4,573 to 6,008 square feet of living area that were built from 2002 to 2004. Each comparable features an unfinished basement, central air conditioning, two to six fireplaces and a garage ranging in size from 870 to 1,383 square feet of building area. The comparables have improvement assessments ranging from \$236,540 to \$313,756 or from \$51.73 to \$54.32 per square foot of living area.

The four comparable sales are sales located in the same neighborhood code as the subject as assigned by the township assessor and within .426 of a mile of the subject property. The comparables have sites ranging in size from 33,541 to 93,654 square feet of land area. The comparables consist of two-story dwellings of brick or brick and wood siding exterior construction ranging in size from 4,595 to 5,719 square feet of living area that were built from

2001 to 2004. Each comparable features an unfinished basement, central air conditioning, one to three fireplaces and a garage ranging in size from 976 to 1,100 square feet of building area. The comparables sold from November 2014 to July 2017 for prices ranging from \$1,034,300 to \$1,212,500 or from \$216.44 to \$227.74 per square foot of living area, including land.

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

Conclusion of Law

The appellant argued 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 appellant failed to meet this burden of proof.

The record contains seven assessment comparables for the Board's consideration. The Board gave less weight to board of review comparables shown as #5 and #8 in the grid analysis due to their smaller dwelling sizes. The Board finds the remaining five assessment comparables are similar when compared to the subject in location, dwelling size, design and age. They have improvement assessments ranging from \$218,349 to \$313,756 or from \$37.91 to \$54.32 per square foot of living area. The subject property has an improvement assessment of \$286,531 or \$52.12 per square foot of living area, which falls within the range of the most similar comparables in this record. After considering adjustments to the comparables for any differences when compared to the subject, the Board finds the subject's improvement assessment is supported. Therefore, no reduction in the subject's assessment is warranted.

The appellant also contends the market value of the subject property is not accurately reflected in its assessed valuation as an alternative 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 appellant did not meet this burden of proof.

The record contains seven comparable sales for the Board's consideration. The Board gave reduced weight to the appellant's three comparable sales, along with board of review comparable sales #3 and #4 that sold in 2013, 2014 and 2017 which occurred less proximate in time to the assessment date at issue and less likely to be indicative of the subject's market value as of the January 1, 2016 assessment date. The Board finds board of review comparable sales #1 and #2 sold more proximate in time to the January 1, 2016 assessment date. Despite that comparable #1 has a smaller dwelling size and comparable #2 has a larger site size when compared to the subject, these two comparables are similar to the subject in location, design, age and features. They sold in August 2015 and August 2016 for prices of \$1,034,300 and \$1,212,500 or for \$225.09 and \$227.74 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$1,206,791 or \$219.54 per square foot of living area, including land, which is supported by the best comparable sales in the record. After considering

adjustments to the comparables for differences in land area, dwelling size and features when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. Therefore, 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



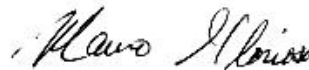
Member

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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