



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

APPELLANT: Robert Berger  
DOCKET NO.: 16-04524.001-R-1  
PARCEL NO.: 16-26-208-002

The parties of record before the Property Tax Appeal Board are Robert Berger, the appellant, 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:** \$153,145  
**IMPR.:** \$150,627  
**TOTAL:** \$303,772

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 is improved with a two-story single-family dwelling of wood-siding exterior construction with 3,231 square feet of living area situated on a 23,556 square foot site. The dwelling was constructed in 1932. Features of the dwelling include an unfinished basement, central air conditioning, one fireplace, and an attached garage with 529 square feet of building area. The property is located in Highland Park, Moraine Township, Lake County.

The appellant contends assessment inequity as the basis of the appeal. The appellant did not contest the land assessment. In support of this argument, the appellant submitted information on three assessment comparables located from .09 to .37 of a mile from the subject property. The comparables are improved with two-story single-family dwellings of wood-siding or brick exterior construction ranging in size from 3,036 to 3,309 square feet of living area. The dwellings were constructed from 1924 to 1933. The comparables feature basements, one of which has a finished area; each comparable has central air conditioning, one or two fireplaces and attached or detached garages ranging in size from 504 to 640 square feet of building area.

The comparables have improvement assessments ranging from \$121,874 to \$135,263 or from \$40.14 to \$40.88 per square foot of living area. Based on this evidence, the appellant requested that the improvement assessment of the subject be reduced.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$303,772. The subject property has an improvement assessment of \$150,627 or \$46.62 per square foot of living area. In support of its contention of the correct assessment, the board of review submitted information on four equity comparables located from .03 to .382 of a mile from the subject property. The comparables are improved with 2.0-story and 2.5-story single-family homes of brick, stucco or wood-siding exterior construction. The dwellings were constructed from 1923 to 1933 and range in size from 2,994 to 3,495 square feet of living area. The comparables feature basements, two of which have a finished area, central air conditioning, a fireplace and garages ranging in size from 273 to 748 square feet of building area. The comparables have improvement assessments ranging from \$141,824 to \$182,345 or from \$46.91 to \$52.17 per square foot of living area. Based on this evidence, the board of review requested that the subject's improvement assessment be confirmed.

### **Conclusion of Law**

The appellant contends 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of seven suggested comparables for the Board's consideration. The comparables have varying degree of similarity to the subject property. The Board gave less weights to board of review comparable #4 due to it being a 2.5-story design home which is dissimilar to the subject's 2-story design.

The Board finds the best evidence of assessment equity to be all of the appellant's comparables and board of review comparables #1, #2 and #3. These comparables are most similar when compared to the subject property in location, dwelling size, design, age, and most features. The comparables have improvement assessments ranging from \$121,874 to \$152,079 or from \$40.14 to \$49.01 per square foot of living area. The subject's improvement assessment of \$150,627 or \$46.62 per square foot of living area falls within the range established by the most similar comparables in this record.

After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's improvement assessment is justified. Based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and, therefore, 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 taxation 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.

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: February 13, 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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