



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

APPELLANT: Jeff Gerchenson
DOCKET NO.: 16-04807.001-R-1
PARCEL NO.: 17-31-302-083

The parties of record before the Property Tax Appeal Board are Jeff Gerchenson, the appellant, by attorney Arnold G. Siegel, of Siegel & Callahan, P.C. 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 **a reduction** 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: \$210,017
IMPR.: \$268,413
TOTAL: \$478,430

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 1.5-story dwelling of brick exterior construction with 5,658 square feet of living area. The dwelling was constructed in 1975 and has a reported effective age of 1997 due to a recent major rehab and expansion. Features of the home include a partial basement of which 80% is finished, central air conditioning, four fireplaces and an attached three-car garage containing 726 square feet of building area. The property has a 58,413 square foot site and is located in Highland Park, Moraine 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 Agnieszka Jurowska, an Associate Real Estate Trainee Appraiser, and Michael O'Connor, a Certified General Real Estate Appraiser, which was prepared for a property tax assessment appeal and estimating the subject property had a market value of \$1,200,000 as of January 1, 2017.

As to the subject dwelling, the appraisers reported the actual age was 42 years and the property's effective age was 10 years. In the Supplemental Addendum, the appraisers reported the home was rated to be in good overall condition with high-end finishes and modern upgrades.

Using the sales comparison approach, the appraisers analyzed five comparable sales which were located from .11 of a mile to 4.86-miles from the subject. As part of the addendum, the appraisers reported that the Highland Park market included many similar one-story elevations of similar square footage and quality. The comparables have sites that range in size from 14,356 to 40,546 square feet of land area and were improved with a three-story and four, two-story dwellings that were 33 to 88 years old. The homes range in size from 3,693 to 5,033 square feet of living area. Each home features a full or partial basement, three of which have finished areas, central air conditioning, one or five fireplaces and a two-car or a three-car garage. Appraisal sale #3 also has an inground swimming pool. The comparables sold from August 2014 to May 2016 for prices ranging from \$925,000 to \$1,175,000 or from \$201.97 to \$266.72 per square foot of living area, land included.

The appraisers reported the market in Highland Park remained stable for the period of 2014-2016 and thus no market condition/time adjustments were made. The appraisers applied adjustments to the comparables for differences when compared to the subject for sales or financing concessions as to sale #1 as it was not an arm's length sale when it sold as a short sale to a long-time tenant. Adjustments were also applied for differences and discussed in detail in the Supplemental Addendum for items such as lot size, condition, bedroom count, bathroom count, dwelling size, basement size, garage space, number of fireplaces and/or pool amenity. The appraisers stated, "Age adjustments were not utilized because in Highland Park specifically the condition is a better indication of value." Through this process, the appraisers opined adjusted sales prices ranging from \$1,019,600 to \$1,271,500 or from \$209.62 to \$329.79 per square foot of living area, including land. As a result, the appraiser arrived at an estimated market value for the subject of \$1,200,000 or \$212.09 per square foot of living area, including land, as of January 1, 2017. Based on this evidence, the appellant requested a total assessment of \$425,486 which would reflect a market value of approximately \$1,283,130.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$525,485. The subject's assessment reflects a market value of \$1,584,695 or \$280.08 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 response to the appellant's appraisal evidence, the board of review submitted a memorandum outlining criticisms of the report. Initially it was noted the effective date is for January 1, 2017 when the appeal is for the 2016 assessment date. The subject from 2014 to 2015 obtained permits totaling over \$1 million to gut rehab and expand the subject dwelling, but the appraisers did not remark on the subject's major improvements. No adjustments were applied to the comparables to address the subject's recent improvements. The board of review remarked on the lack of an age adjustment for appraisal sale #1 and the distant locations of appraisal sales #2 and #3 in different neighborhoods/market areas. Appraisal sale #4 from 2014 was reportedly a three parcel property which after the sale were merged and the existing dwelling was demolished for

the construction of a new dwelling in 2017 and appraisal sale #5 also from 2014 which is dated and the dwelling is approximately 35% smaller than the subject. The board of review also noted inconsistencies in the land adjustments made by the appraisers where sales #1, #2 and #3 were adjusted at \$1.00 per square foot as compared to sales #4 and #5 that were adjusted at \$2.00 per square foot.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales located in the subject's east Highland Park neighborhood and which were located from 1.129 to 1.838-miles from the subject. The comparables have sites that range in size from 34,608 to 39,917 square feet of land area and were improved with two-story dwellings of stucco, stone or brick exterior construction which were 13 to 26 years old. The homes range in size from 5,461 to 6,454 square feet of living area. Each home features a full or partial basement, three of which have finished areas, central air conditioning, two to four fireplaces and garages ranging in size from 845 to 1,066 square feet of building area. Based upon the attached property record cards, both board of review sales #1 and #2 feature inground swimming pools. The comparables sold from June 2015 to May 2018 for prices ranging from \$1,751,600 to \$2,250,000 or from \$283.84 to \$383.24 per square foot of living area, land included. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In rebuttal, counsel for the appellant argued that board of review sales #1, #2 and #3 were each located over one-mile from the subject and within one-quarter of a mile of each other. Counsel argued, "It is unfair for the board of review to cherry pick properties which are close to each other, but not situated in the immediate vicinity of the subject." Counsel then noted the close proximity of appraisal sales #1, #4 and #5 to the subject dwelling.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant submitted an appraisal of the subject property and the board of review submitted four suggested comparable sales in order to support their respective positions before the Property Tax Appeal Board. Other than the effective date of the appraisal being one year after the assessment date at issue and the lack of discussion of the subject's recent renovations, the majority of the criticisms raised by the board of review concerning the appellant's appraisal report were detailed and explained within the detailed Supplemental Addendum.

As to the raw, unadjusted comparable sales presented by the board of review, the Board has given reduced weight to sales #3 and #4 due to the newer ages of these dwellings and for the date of sale in 2018 for sale #4. Having thoroughly examined the appraisal and the board of review's submissions concerning the comparable properties in the appraisal, the Board finds the appraisal report appears to be logical and well-reasoned along with consideration of board of review sales

#1 and #2 with necessary adjustments applied for differences including lack of basement finish for sale #2 and pool amenity for each comparable property. The Board finds the best evidence of market value to be the appraisal submitted by the appellant along with board of review comparable sales #1 and #2.

The appraisal presents a value conclusion of \$1,200,000 or \$212.09 per square foot of living area and the best raw, unadjusted comparable sales presented by the board of review present prices from June 2015 of \$1,751,600 and \$2,391,750 or \$283.84 and \$370.58 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,584,695 or \$280.08 per square foot of living area, including land, which appears to be excessive when giving due consideration to the appraised value conclusion and the best comparable sales in the record with necessary adjustments. Based on this evidence, the Board finds a reduction in the subject's assessment is 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.



Chairman



Member



Member



Member



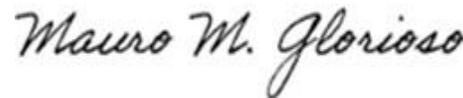
Member

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: August 18, 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Jeff Gerchenson, by attorney:
Arnold G. Siegel
Siegel & Callahan, P.C.
1 North Franklin
Suite 450
Chicago, IL 60606

COUNTY

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