



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

APPELLANT: Jerry Chesnul  
DOCKET NO.: 16-04812.001-R-1  
PARCEL NO.: 16-19-300-024

The parties of record before the Property Tax Appeal Board are Jerry Chesnul, 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 **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:** \$173,708  
**IMPR.:** \$323,478  
**TOTAL:** \$497,186

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 stucco exterior construction with 7,650 square feet of living area. The dwelling was constructed in 2005. Features of the home include a partial unfinished basement, central air conditioning, two fireplaces, a four-car garage containing 1,760 square feet of building area and an 800 square foot inground swimming pool. The property has a 208,217 square foot site and is located in Riverwoods, West Deerfield 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 Gregory B. Nold, a Certified General Real Estate Appraiser with a MAI designation. The appraisal report, written as of January 31, 2018 and which was developed for a real estate tax appeal, estimated the subject property had a market value of \$1,325,000 as of January 1, 2016.

As to the subject, Nold reported the site, while large-sized, had some undesirable attributes diminishing its overall utility and marketability, including location. The site was described as a corner parcel "at the intersection of two streets with elevated car speeds, inefficient irregular shape and setbacks." Nold further reported the subject's location, west of the Tri-State Tollway (I-94), sharing linkages with Riverwoods, but also with adjustments was appropriately compared to West Deerfield Township.

Concerning the dwelling, upon inspection, Nold found the basement size of 3,888 square feet to have been overstated by the assessing officials; the appraiser determined the subject's partial basement contains 2,240 square feet of building area. (Appraisal, p. 8) Nold determined the subject dwelling to have overall good quality construction and to be in "somewhat average to good condition." The appraiser found deficiencies of four failed window seals (estimated replacement cost of \$10,000), "base quality finishes in several bathrooms, bedrooms and hallways, over-sized hallways and vaulted ceilings reduce the room count one would anticipate from a build this large, relatively small and unfinished basement, several very personal material and color choices that do not appeal to most buyers, and some other items of deferred maintenance typical of an 11-year-old home.

Using the sales comparison approach, Nold analyzed seven comparable sales which were located from .56 of a mile to 1.88-miles from the subject. The comparables have sites that range in size from 54,886 to 160,736 square feet of land area and were improved with a 2.5-story or six, two-story dwellings of frame, stucco, masonry, masonry and stucco or masonry and frame exterior construction. The homes were 2 to 25 years old and range in size from 4,632 to 7,509 square feet of living area. Six of the homes have full or partial basements, five of which have finished areas. Each dwelling features central air conditioning, one to three fireplaces and a three-car or a four-car garage. Appraisal sale #4 has an indoor pool and appraisal sale #5 has an elevator. The comparables sold between August 2013 and May 2015 for prices ranging from \$985,000 to \$1,400,000 or from \$168.87 to \$217.63 per square foot of living area, land included.

The appraiser applied adjustments to the comparables for differences when compared to the subject. Four comparables were adjusted for their locations and each comparable was adjusted upward for its smaller site size as compared to the subject. The subject's view was described as "residential/busy" with three comparables adjusted for their superior residential/average views. Adjustments were applied for differences in age, room count, dwelling size, basement size and/or basement finish, functional utility in bedroom count, garage space, pool/amenities and/or of fireplaces. The final adjustment considered was parcel shape/position. Through this process and noting that the subject dwelling has only nine formal rooms making its utility similar to smaller homes, Nold opined adjusted sales prices ranging from \$1,230,500 to \$1,371,800 or from \$176.50 to \$274.37 per square foot of living area, including land. As a result and placing greatest weight on sales #1, #2 and #3 in terms of size, sales #3, #4 and #5 in terms of age and sales #3, #5 and #7 in terms of lot size, the appraiser arrived at an estimated market value for the subject of \$1,325,000 or \$173.20 per square foot of living area, including land, as of January 1, 2016.

Based on this evidence, the appellant requested a total assessment reflective of the appraised value conclusion at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$497,186. The subject's assessment reflects a market value of \$1,499,355 or \$195.99 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 criticizing that five of the appraisal sales were located over a mile distant from the subject, two of which were located in a different community, and five of the appraisal sales sold in 2014 or approximately 14 to 22 months prior to the assessment date at issue. Appraisal sale #3 was further dated having sold in 2013 or 29 months prior to the assessment date.

In support of its contention of the correct assessment, the board of review through the township assessor submitted information on three comparable sales located within a mile of the subject property and within the village of Riverwoods along with supporting documentation. The comparables have sites that range in size from 39,457 to 81,317 square feet of land area and were improved with two-story dwellings of brick or Dryvit exterior construction. The homes were built in 2002 or 2005 and range in size from 5,903 to 7,315 square feet of living area. Each home has a full or partial basement, two of which have substantial finished areas. Each dwelling features central air conditioning, three or four fireplaces and a garage ranging in size from 884 to 1,357 square feet of building area. Comparable #3 has a 1,036 square foot pool. The comparables sold between January 2015 and January 2016 for prices ranging from \$1,675,000 to \$1,750,000 or from \$236.50 to \$296.46 per square foot of living area, land included.

Based on this evidence and argument concerning the appraisal comparables, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

In rebuttal, counsel for the appellant addressed some detrimental attributes of the subject property as outlined in the appraisal report as compared to the unadjusted raw comparable sales presented by the board of review with superior attributes as described in the underlying Multiple Listing Service (MLS) data sheets. Board of review comparables #1 and #3 are each nearly 20% smaller than the subject dwelling which historically would present a higher square foot price than the larger subject dwelling. Counsel also noted the significant finished areas of comparables #2 and #3 as compared to the subject's unfinished basement. Additional superior qualities and amenities of comparables #2 and #3 as drawn from the MLS data sheets were outlined.

### **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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant submitted an appraisal of the subject property and the board of review submitted three suggested comparable sales to support their respective positions before the Property Tax Appeal Board.

The Board finds that, despite the appraiser's contention that the appraisal included the "most recent, most similar and proximate to the subject" were utilized as of the effective date of the appraisal, the record reveals that only appraisal sale #1 occurred proximate to the valuation date at issue of January 1, 2016 and the board of review evidentiary submission revealed three additional sales that were also proximate to the assessment date and close in proximity. There is nothing in the record to indicate why these three sales, proximate in location and/or more proximate in time to the valuation date at issue, were not utilized by Nold.

Having examined the appraisal report and all sales data in the record, the Board finds as a result that the appraiser's final value conclusion is not a credible or a reliable indicator of the subject's estimated market value as of January 1, 2016. Given the availability of other sales in the vicinity that were presented for consideration, the Board finds little weight can be given to the Nold appraisal value conclusion as it is not a credible indicator of the subject's estimated market value as of January 1, 2016. As a result, the Board will examine the ten sales in the record presented by both parties. The Board has given reduced weight to appraisal sales #2 through #7 as each property sold in 2013 or 2014, dates most remote in time to the valuation date at issue of January 1, 2016 and thus less likely to be indicative of the estimated market value of the subject as of the valuation date. The Board has given reduced weight to board of review comparables #2 and #3 due to their substantial finished basement areas which are superior to the subject's partial unfinished basement.

On this record, the Board finds the best evidence of market value to be appraisal sale #1 and board of review comparable sale #1 as these properties sold proximate to the January 1, 2016 assessment date and were located in close proximity to the subject. These dwellings were similar in design, size, partial unfinished basement and some other features. These sales occurred in May 2015 for prices of \$1,400,000 and \$1,675,000 or for \$186.44 and \$272.27 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$1,499,355 or \$195.99 per square foot of living area, including land, which is within the range established by the best comparable sales in the record. After considering adjustments to the best comparables for differences, the Board finds the appellant failed to establish by a preponderance of the evidence that the subject is overvalued and therefore, a reduction in the subject's assessment is not 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: July 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

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