



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

APPELLANT: Janet & David Forero
DOCKET NO.: 17-00493.001-R-1
PARCEL NO.: 15-20-408-026

The parties of record before the Property Tax Appeal Board are Janet & David Forero, the appellants, 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: \$48,737
IMPR.: \$160,108
TOTAL: \$208,845

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 2017 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 cedar exterior construction with 3,911 square feet of living area. The dwelling was constructed in 1989. Features of the home include a full unfinished basement of 2,135 square feet of building area, central air conditioning, a fireplace and an attached two-car garage containing 458 square feet of building area. The property has a 17,685 square foot site and is located in Buffalo Grove, Vernon Township, Lake County.

The appellants contend overvaluation as the basis of the appeal and provided two recent sales in support of the argument. As part of the appeal, the appellants submitted information on four comparable properties, two of which included recent sales data along with the assessment data for all four comparables. Both overvaluation and assessment equity will be examined based on this evidence.

The comparable properties are located within .5 of a mile of the subject property. The parcels range in size from 17,337 to 24,646 square feet of land area and have been improved with two-story dwellings of brick, cedar or brick and cedar exterior construction. The homes were 26 to 29 years old and range in size from 2,900 to 4,153 square feet of living area. Each comparable has a basement with finished area, central air conditioning, a fireplace and a two-car or a three-car garage. Comparables #1 and #2 sold in January 2018 and September 2017 for prices of \$539,000 and \$586,000 or for \$154.09 and \$202.07 per square foot of above-grade living area, including land.¹ The comparables have improvement assessments ranging from \$152.733 to \$179,171 or from \$37.90 to \$52.67 per square foot of above-grade living area.

Based on this evidence, the appellants requested a reduced improvement assessment of \$93,997 or \$24.03 per square foot of above-grade living area and a total assessment of \$142,734 which would reflect a market value of approximately \$428,202 or \$109.49 per square foot of above-grade living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$218,933. The subject's assessment reflects a market value of \$660,431 or \$168.86 per square foot of living area, land included, when using the 2017 three year average median level of assessment for Lake County of 33.15% as determined by the Illinois Department of Revenue. The subject has an improvement assessment of \$170,196 or \$43.52 per square foot of living area.

As part of the response to the appeal, the board of review reiterated that appellants' four comparable properties and corrected the sale price for comparable #1 and added a sale price for comparable #3. The appellants' three comparable sales range from \$545,000 to \$586,000 or from \$139.30 to \$202.07 per square foot of above-grade living area, including land. The board of review also noted corrections to the improvement assessments and improvement assessment per square foot of above-grade living area.

In support of its contention of the correct assessment the board of review submitted information on eight comparable properties, where comparables #5 through #8 reflect recent sales data and each comparable includes assessment data. The comparable properties are located within .36 of a mile of the subject property. The parcels range in size from 15,290 to 23,261 square feet of land area and have been improved with two-story dwellings of brick or wood siding exterior construction. The homes were built in 1989 or 1990 and range in size from 3,149 to 4,154 square feet of living area. Each comparable has a basement, four of which have finished areas. Each home has central air conditioning, one or two fireplaces and a garage ranging in size from 458 to 788 square feet of building area. Comparables #5 through #8 sold between July 2015 and July 2017 for prices ranging from \$570,000 to \$650,000 or from \$181.01 to \$187.70 per square foot of living area, including land. The comparables have improvement assessments ranging from \$154,743 to \$194,951 or from \$41.65 to \$50.84 per square foot of living area.

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

¹ In the grid analysis, the appellants erroneously included finished basement area in the calculation of above-grade living area per-square-foot determinations.

In written rebuttal, the appellants disputed the comparability of each property presented by the board of review on the grounds of differences in exterior construction, age, lot size, location on a cul-de-sac, concrete driveway as compared to an asphalt driveway, dwelling size, more bedrooms/bathrooms, additional amenities and/or larger garages. More specifically, board of review comparable #1 has an in-ground swimming pool that is not a feature of the subject property. Also as part of the rebuttal, the appellants report their comparable #4 was on the market since March 1, 2018 with an asking price of \$639,000.² Lastly, the appellants report that the 2018 assessment of the subject property was reduced by the Lake County Board of Review and thus should similarly be reduced for tax year 2017.

Conclusion of Law

The appellants contend in part that 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The record reveals seven comparable sales presented by the parties to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #2 as this dwelling is significantly smaller than the subject dwelling. The Board has also given reduced weight to board of review comparables #5 and #8 as these sales each occurred in July 2015, a date more remote in time to the valuation date at issue of January 1, 2017 and thus less likely to be indicative of the subject's estimated market value as of the assessment date.

The Board finds the best evidence of market value to be appellants' comparable sales #1 and #3 along with board of review comparable sales #6 and #7. Except for board of review comparable #7, these comparable dwellings are each superior to the subject by having finished basement area which is not a feature of the subject dwelling although the subject has a larger basement overall than each of these comparables. These four most similar comparables sold between May 2016 and January 2018 for prices ranging from \$545,000 to \$610,000 or from \$139.30 to \$202.07 per square foot of living area, including land. The subject's assessment reflects a market value of \$660,431 or \$168.86 per square foot of living area, including land, which is above the range established by the best comparable sales in this record in terms of overall value. After considering adjustments to the comparables for superior finished basement area amenities when compared to the subject's unfinished but larger basement, the Board finds a reduction in the subject's assessment is justified.

² Pursuant to the rules of the Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill.Admin.Code §1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. (86 Ill.Admin.Code §1910.66(c)). In light of these rules, the Property Tax Appeal Board has not considered the listing of comparable #4 reported by the appellants in conjunction with their rebuttal argument.

The appellants also contended unequal treatment in the subject's assessment as a basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data and considering the reduction in assessment for overvaluation, the Board finds that the subject property is equitably assessed and no further 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: April 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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