



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

APPELLANT: David Weinberg  
DOCKET NO.: 17-00943.001-R-1  
PARCEL NO.: 16-26-403-013

The parties of record before the Property Tax Appeal Board are David Weinberg, the appellant, by attorney Abby L. Strauss, of Schiller Strauss & Lavin PC 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:** \$68,583  
**IMPR.:** \$110,209  
**TOTAL:** \$178,792

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 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 exterior construction with 2,121 square feet of living area. The dwelling was constructed in 1941. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 420 square foot attached garage. The property has a 7,678 square foot site and is located in Highland Park, Moraine Township, Lake County.

The appellant through counsel contends assessment inequity as the basis of the appeal. The subject's land assessment was not contested. In support of this argument the appellant submitted information on nine suggested equity comparables located from .07 to .85 of a mile from the subject property. The comparables were improved with three, 1.5-story dwellings, five, two-story dwellings and one, 2.5-story dwelling with brick, wood siding or stucco exterior construction that range in size from 2,044 to 2,563 square feet of living area. The dwellings

were built from 1914 to 1937. Each comparable has a basement with one comparable having a finished area, four comparables have central air conditioning, seven comparables have one fireplace and six comparables have a garage ranging in size from 240 to 856 square feet of building area. The comparables have improvement assessments that range from \$80,474 to \$99,542 or from \$35.00 to \$41.73 per square foot of living area. Based on this evidence, the appellant requested that the improvement assessment be reduced to \$85,094 or \$40.12 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$178,792. The subject property has an improvement assessment of \$110,209 or \$51.96 per square foot of living area. In support of its contention of the correct assessment the board of review submitted information on six suggested equity comparables located from .337 of a mile to 1.052 miles from the subject property. The comparables were improved with one, 1.5-story dwelling and five, two-story dwellings with brick, stucco or wood siding exterior construction ranging in size from 1,850 to 2,366 square feet of living area. The dwellings were built from 1912 to 1962. Each comparable has a basement with a finished area, central air conditioning, five comparables have one or two fireplaces and a garage ranging in size from 200 to 720 square feet of building area. The comparables have improvement assessments that range from \$97,455 to \$138,191 or from \$52.68 to \$62.12. per square foot of living area. Based on this evidence, the board of review requested that the assessment be confirmed.

### **Conclusion of Law**

The taxpayer 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 15 suggested comparables for the Board's consideration. The Board gave less weight to the appellant's comparable #6 along with the board of review's comparables #1 and #2 due to dissimilar age when compared to the subject's age. The Board gave less weight to the board of review's comparable #4 due to this comparable being over 1 mile from the subject property. The Board gave less weight to the appellant's comparables #1, #2, #4 and #8. These comparables are 1.5-story or 2.5-story design when compared to the subject's two-story design.

The Board finds the best evidence of assessment equity to be the remaining comparables. These comparables are more similar in location, style, dwelling size, age and features when compared to the subject property. These comparables had improvement assessments that ranged from \$82,418 to \$121,462 or from \$40.32 to \$62.12 per square foot of living area. The subject's improvement assessment of \$110,209 or \$51.96 per square foot of living area falls within the range established by the best comparables in this record. 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 a reduction in the subject's assessment is not 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 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: 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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