



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

APPELLANT: Julie McLaughlin
DOCKET NO.: 17-01434.001-R-1
PARCEL NO.: 02-15-301-007

The parties of record before the Property Tax Appeal Board are Julie McLaughlin, the appellant, by attorney Andrew J. Rukavina, of The Tax Appeal Company, in Mundelein, 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: \$20,401
IMPR.: \$101,253
TOTAL: \$121,654

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 single-family dwelling of wood siding exterior construction with 3,204 square feet of living area. The dwelling was constructed in 1991. Features of the home include a partial basement that is 75% finished, central air conditioning, a fireplace, an attached three-car garage of 704 square feet of building area and an indoor in-ground swimming pool within a 1,196 square foot room. The property has an approximately 41,382 square foot site with a residential/woods view and is located in Antioch, Antioch 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 Steven L. Smith, a Certified Residential Real Estate Appraiser. The appraisal was prepared for a real estate tax appeal and estimated the subject property had a market value of \$365,000 as of January 1, 2017.

Smith stated the subject dwelling was in average condition for the neighborhood, but also noted "the subject has a dated interior with original kitchen and baths."

Using the sales comparison approach, the appraiser considered three comparable sales. The comparables were each located in Antioch and from .03 to .31 of a mile from the subject property. The comparables have sites that range in size from 43,560 to 63,598 square feet of land area and were described either as residential/woods view or pond/woods view properties. The comparable properties are each improved with two-story dwellings that were 24 to 25 years old. The dwellings range in size from 2,935 to 3,768 square feet of living area and each comparable has a full basement, two which are walkout-styles and each of which has finished areas. The homes feature central air conditioning, one or three fireplaces and a three-car garage. While the comparables have amenities of a patio/balcony, deck/porch and deck/three-season room, none of the comparable dwellings has an indoor pool like the subject. Each of the comparables were described as being average in functional utility. The subject was described as "average" in the category of upgrades and comparables #1 and #2 were similarly noted as "average" while comparable #3 was noted as "inferior" in this category. For condition, the subject was described as "average," comparables #1 and #2 were described as "superior" and comparable #3 was also described as "average." The comparables sold between January 2015 to August 2017 for prices ranging from \$377,500 to \$455,000 or from \$120.75 to \$145.49 per square foot of living area, land included.

As part of the report, the appraiser described comparable #1 as a larger, fully remodeled home with a finished basement; comparable #2 is a smaller home with superior interior finishings according to the Multiple Listing Service (MLS) data; and comparable #3 was described as a smaller home with a dated interior, similar to the subject's interior per the MLS.

The appraiser applied various adjustments to the comparables for differences when compared to the subject in lot size, view, condition, bathroom count, dwelling size, basement size and/or walkout amenity, differences in amenities such as the subject's pool and/or upgrades. Through this process, Smith opined adjusted sales prices ranging from \$342,020 to \$370,940 or from \$96.84 to \$126.39 per square foot of living area, including land. Smith described that comparables #1 and #2 were most similar to the subject "due to overall appeal to the market" and most weight was given to these comparables. As a result, the appraiser arrived at an estimated market value for the subject of \$365,000 or \$113.92 per square foot of living area, including land, as of January 1, 2017.

Based on this evidence, the appellant requested an assessment reflective of the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$131,347. The subject's assessment reflects a market value of \$396,220 or \$123.66 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.

In response to the appellant's evidence, the board of review submitted a memorandum pointing out the subject's in-door pool, noting this amenity was only briefly noted in the appraisal and arguing that "the appraiser's adjustment of \$10,000 contributory value is too low for the subject's market area."¹ In support of this argument, the board of review also provided data from the Marshall & Swift Residential Cost Manual depicting costs new for an in-ground pool of 528 square feet ranging from \$26,600 to \$38,900 and a new 1,196 square foot pool enclosure ranging from \$59 to \$84 per square foot of building area which at the mean would cost \$85,514. Thus, the board of review argued the total cost new of the pool and enclosure would be \$118,264 less 75% depreciation or \$88,698, which would reflect a contributory value under the cost approach of \$29,566.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales in a grid analysis where comparables #1, #2 and #3 were the same properties presented in the appellant's appraisal report; comparable #4 is a newly presented sale in this record. As to appraisal sale #2/board of review sale #2, the board of review presented a sale price of \$437,500 or \$149.06 per square foot of living area, including land, which is \$10,500 higher than the sale price that was reported by appraiser Smith; a copy of the applicable property record card also sets forth this higher sale price.

Board of review comparable #4 is located .204 of a mile from the subject property. The parcel is improved with a two-story dwelling of wood siding exterior construction that was built in 1992. The home contains 3,254 square feet of living area and features a full basement which is reportedly finished according to MLS data with a second kitchen. No copy of the applicable MLS sheet was provided by the board of review. The home has central air conditioning, two fireplaces and a 768 square foot garage. The property sold in June 2015 for \$420,000 or for \$129.07 per square foot of living area, including land.

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

In written rebuttal, counsel for the appellant argued that the configuration of an indoor pool located in front of the kitchen window when facing out is poor and "will decrease the property value substantially." It was further argued besides blocking the outdoor view, it "can make the whole rest of the house smell like chlorine and make everything more damp as well." The appellant further contended the pool amenity can be a safety hazard to children.

As to board of review comparable sale #4, the appellant noted this property is not located on the subject's street like the other sales in the record. The appellant also argued this dwelling was "a far superior house to the subject and any of the other comparables." Besides reportedly having been newly renovated, this comparable is located in a forest preserve area of the subdivision and on water as shown in an attached aerial photograph. Additional reported amenities of this dwelling were a full finished basement, not partial like the subject; a heated garage, oversized

¹ The board of review incorrectly contended that no interior photographs were included in the appraisal of the indoor pool amenity. The Property Tax Appeal Board finds one interior photograph of the indoor pool with what appears to be a cover over the pool.

deck, three fireplaces, new carpet and paint. The appellant contends "the whole house was gutted and rehabbed prior to sale."

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, three of which were contained in the appellant's appraisal report, to support their respective positions before the Property Tax Appeal Board. The Board has given no little weight to the criticisms of the Smith appraisal report summarily disputing the adjustments made to the comparable properties on the amenities line which includes the subject's pool. On this record, the Board finds the date of valuation is appropriate in time to the assessment date at issue and is based upon sales that occurred relatively proximate in time to the January 1, 2017 assessment date and which were also presented by the board of review.

The Board has also given reduced weight to board of review comparable #4 which reflects an unadjusted raw sale which sold in 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, particularly in the absence of any suitable adjustments for differences such as the dwelling's second kitchen. In addition, board of review comparable #4 is in a different portion of the subdivision in a forest preserve with a water view as established by the appellant in rebuttal. Without an MLS listing or other documentation to support the renovations and/or details of board of review comparable #4 as argued by the appellant in rebuttal, little weight has been given to those aspects of the rebuttal filing.

The only pertinent dispute on this record is that common comparable #2 reportedly sold for \$437,500 or \$149.06 per square foot of living area, including land, as reported by the board of review and not refuted by the appellant in the rebuttal filing. The Board finds raising the sale price of appraisal sale #2 by \$10,500 and deducting the same overall adjustment of \$56,060 results in a slightly higher adjusted sale price of \$381,440 or \$129.96 per square foot of living area, including land; this is compared to the appraisal report's adjusted sale price of \$370,940 or \$126.39 per square foot of living area.

Having considered the above described factual discrepancy, the Property Tax Appeal Board finds the best evidence of market value in the record to be the appraisal submitted by the appellant with an opinion of value of \$365,000 or \$113.92 per square foot of living area, including land. In estimating the market value of the subject property, the appellant's appraiser relied upon the sales comparison approach and made adjustments to the comparables to account for differences from the subject property; as noted, the assessing officials failed to present any substantive criticisms of the Smith appraisal report. To the extent that the board of review disputes the amenity line adjustment in the appraisal based on the assumption the entire \$10,000

adjustment accounts solely for the pool/enclosure, the board of review did not articulate the value of the amenities of the comparables as compared to the amenities of the subject; according to the board of review the comparables have enclosed porches and the appraiser reported a three-season room. Thus, the Board finds that the adjustment cannot be deemed to be solely attributable to the indoor pool amenity. Furthermore, it is noted that the board of review wholly agreed that the three sales in the appraisal report were suitable comparable properties by presenting each one as part of the board of review's own comparable properties.

On this record, the Board finds the appraiser's conclusion of value appears credible, logical and reasonable in light of the sales within the report and is not suitably refuted by any substantive sales evidence presented by the board of review. The subject's assessment reflects a market value of \$396,220 or \$123.66 per square foot of living area, including land, which is above both the appraised value. Based on this evidence, the Property Tax Appeal Board finds a reduction in the subject's assessment commensurate with the appellant's request 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



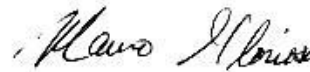
Member

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: May 26, 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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