



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

APPELLANT: Brian Fishman
DOCKET NO.: 17-01771.001-R-1
PARCEL NO.: 16-20-405-006

The parties of record before the Property Tax Appeal Board are Brian Fishman, 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: \$61,559
IMPR.: \$177,260
TOTAL: \$238,819

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 1.5-story dwelling with brick exterior construction containing 3,910 square feet of living area. The dwelling was constructed in 1967 with an effective age of 1982. Features of the home include an unfinished basement, central air conditioning, a fireplace and an attached 504-square foot garage. The property is located in Deerfield, West Deerfield Township, Lake County.

The appellant contends assessment inequity with regard to the improvement as the basis of the appeal. In support of this argument, the appellant submitted information on three equity comparables located within the same assessment neighborhood code as the subject and within .28 of a mile of the subject property. The properties are improved with two-story single-family dwellings with brick exterior construction ranging in size from 3,466 to 3,761 square feet of living area. The dwellings were constructed in either 1966 or 1970. The comparables each

feature a basement with two having finished areas; each home also has central air conditioning, a fireplace and an attached garage ranging in size from 525 to 552 square feet of building area. The dwellings have improvement assessments ranging from \$134,394 to \$145,392 or from \$36.46 to \$40.71 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to \$151,082 or \$38.64 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 \$238,819. The subject property has an improvement assessment of \$177,260 or \$45.34 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted information on eight equity comparables located within the same assessment neighborhood as the subject and within .282 of a mile of the subject property. The comparables are improved with two-story dwellings with brick exterior construction ranging in size from 3,374 to 3,872 square feet of living area. The dwellings were constructed from 1968 to 1970. The homes each feature a basement with six having finished areas; additionally, they each have central air-conditioning, a fireplace and a garage ranging in size from 506 to 721 square feet of building area. The comparable properties have improvement assessments ranging from \$160,918 to \$182,453 or from \$44.83 to \$47.69 per square foot of living area. The board of review also submitted property record cards for the subject as well as its own comparables. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 a total of eleven equity comparables that were similar to the subject property in location, age, dwelling size, and most features. However, each of the parties' comparables had a dissimilar two-story design, compared to the subject's 1.5-story style. Furthermore, appellant's comparables #1 and #2, along with board of review comparables #1, #2, #3, #4, #5 and #7 each had superior finished basement areas requiring downward adjustments to these comparables in order to make them more equivalent to the subject's unfinished basement. The parties eleven comparables have improvement assessments ranging from \$134,394 to \$182,453 or from \$36.46 to \$47.69 per square foot of living area. The subject's improvement assessment of \$177,260 or \$45.34 per square foot of living area falls within the range established by the parties' comparables submitted in this record. After considering adjustments to the comparables for differences in some features when compared to the subject, the Board finds that the appellant did not demonstrate by clear and convincing evidence that the

subject is inequitably assessed. Therefore, the Board finds that the subject's improvement assessment is supported and no reduction in the subject's improvement assessment is warranted.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. 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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