



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

APPELLANT: Dan O'Donnell
DOCKET NO.: 18-00277.001-C-1
PARCEL NO.: 06-35-200-031

The parties of record before the Property Tax Appeal Board are Dan O'Donnell, 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: \$55,785
IMPR.: \$35,882
TOTAL: \$91,667

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 2018 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 63,598 square foot site, zoned LI - Limited Industry by the City of Grayslake. The site is slightly irregular in shape and has 234 feet of frontage along Ivanhoe Road in Grayslake. The property is improved with a one-story dwelling of frame construction with 1,072 square feet of living area. The home was constructed in 1928 and has a full basement. The property is located in Avon Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$275,000 as of January 1, 2018. The appraisal was prepared by William P. Neberieza, an Illinois Certified General Appraiser.

The purpose of the appraisal was to estimate the market value of the subject property in fee simple interest as of January 1, 2018. In the letter of transmittal, the appraiser explained that since the majority of the market value of the subject property is represented by the land value, the property was being appraised as vacant land, with the residential building amount as reported by the Avon Township Assessor, added to the appraised value of the subject site.

The appraiser determined that the subject area is supportive of both existing and future development in the vicinity of the subject property. (Appraisal p. 6.) The appraiser also concluded the highest and best use of the subject site as vacant is for industrial use consistent with the current zoning requirements. (Appraisal p. 10.)

In estimating the market value of the subject land, the appraiser used four vacant land sales located in Round Lake, Mundelein and Lake Barrington that range in size from 40,635 to 103,366 square feet of land area. The appraiser indicated that each comparable was zoned industrial use. The sales occurred from April 2015 to March 2018 for prices ranging from \$69,706 to \$200,000 or from \$.84 to \$3.69 per square foot of land area. The appraiser indicated in the report that prices for industrial zoned land and in the vicinity of the subject property have been decreasing over time although none of the sales needed an adjustment for time. (Appraisal pp. 13 & 14.) The appraiser made no adjustments to the comparables for physical characteristics, location, zoning, or visibility. (Appraisal p. 14.) The appraiser made a downward adjustment to comparable sale #3 for size, being smaller than the subject site. Using these sales, the appraiser arrived at an estimated site value of \$2.50 per square foot of land area or \$158,995. To this value the appraiser added \$107,646 for the residence based on the value placed on the improvement by the township assessor to arrive at a total market value of \$275,000, rounded.

The appellant requested the subject's assessment be reduced to \$91,657 to reflect the appraised value debased by the statutory level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$169,488. The subject's assessment reflects a total market value of \$512,358 or \$8.06 per square foot of land area, including the improvement, when using the 2018 three-year average median level of assessment for Lake County of 33.08% as determined by the Illinois Department of Revenue. The subject has a land assessment of \$133,606 reflecting a market value of \$403,888 or \$6.35 per square foot of land area when using the 2018 three-year average median level of assessment for Lake County of 33.08% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a copy of the subject's property record card and a property detail sheet, both generated on April 26, 2019, indicating the subject property had commercial zoning. The board of review submission also included a copy of an aerial photograph and a zoning map. The zoning map appears to depict the subject in a color code of light blue indicating an LI – Limited Industrial zoning.

In support of the assessment the board of review submitted information on six comparable sales with sites ranging in size from 29,700 to 213,762 square feet of land area. The comparables are located in Grayslake, Round Lake, Round Lake Beach and Lake Villa. The information

provided by the board of review indicates that each property is zoned commercial. The sales occurred from June 2014 to April 2019 for prices ranging from \$285,000 to \$2,440,946 or from \$7.46 to \$12.18 per square foot of land area. The board of review requested the assessment be sustained.

In rebuttal the board of review asserted that none of the appellant's appraiser's comparables are from the Grayslake market area; none were similar to the subject in size, location and appeal; comparable #1 is located within an industrial park near unincorporated and residential districts with inferior highway access; comparable #2 is located adjacent to rail lines in an unincorporated area; comparable #3 is a foreclosure/REO and is currently on the market for a price of \$299,900 as per the listing provided by the board of review; and comparable #4 was not advertised and part of a multi-property sale.

In rebuttal the appellant's appraiser asserted that the selection of comparables was based on the Grayslake zoning of the subject parcel as Limited Industrial (LI) which states, "This industrial zone is established to provide areas for industrial, office, and administrative uses, having few, if any adverse effects on neighboring properties." The appraiser went on to state that, "We realize the comparable sales utilized in our appraisal have some limitations but after searching the local MLS, MRED and our appraisal files we found that these comparable sales are the best available to apply to the subject parcel per the current limited industrial zoning."

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 Board finds the best evidence of market value to be the appraisal submitted by the appellant estimating the subject property had a market value of \$275,000 as of the assessment date. The appraiser reported the subject property was zoned LI – Limited Industrial (which matches the nomenclature on the Zoning Classification Village of Grayslake submitted by the board of review). The sales analyzed by the appellant's appraiser were all zoned industrial and would have a similar highest and best use as the subject property. The zoning conclusion presented in the appraisal is supported by the zoning map contained in the evidence submitted by the board of review. Conversely, the comparable sales provided by the board of review are zoned commercial and would arguably have a different, and possibly a more intensive, highest and best use than the subject property. Therefore, the Property Tax Appeal Board gives less weight to the comparable sales provided by the board of review. The subject's assessment reflects a market value of \$512,358, which is above the appraised value presented by the appellant. Based on this evidence the Board finds a reduction in the subject's assessment is warranted to reflect the appraised value.

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 18, 2021



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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