



## FINAL ADMINISTRATIVE DECISION ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Jane Fidler  
DOCKET NO.: 18-00402.001-C-1  
PARCEL NO.: 10-19-300-030

The parties of record before the Property Tax Appeal Board are Jane Fidler, the appellant, by attorney Ronald Kingsley, of Lake County Real Estate Tax Appeal, LLC in Lake Forest, 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:

<b>LAND:</b>	\$57,664
<b>IMPR.:</b>	\$100,654
<b>TOTAL:</b>	\$158,318

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 2019 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 mixed-use building that contains approximately 5,600 square feet of building.<sup>1</sup> The first floor contains 3,200 square feet that was being used a pre-school while the second floor was being used as a 2,400 square foot residence. Features include a three-car attached garage, a storage building with a full basement, fenced yard, large concrete patio area, and a frame storage shed. The property has a site that contains approximately 1.37 acres or 59,677 square feet of land area and is located in Wauconda, Fremont Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a restricted appraisal report estimating the subject property had a market

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<sup>1</sup> The parties differ as to the size of the subject. The Board finds the best evidence of size was the subject's property record presented by the board of review that contained a sketch with dimensions and size calculations.

value of \$475,000 as of February 3, 2018. The appraisal was prepared by Raymond J. Schmitt, a State of Illinois Certified General Real Estate Appraiser. The property rights appraised were fee simple and the purpose of the appraisal was to estimate the subject's market value for the client's internal decision making. The appraiser performed an interior and exterior inspection of the subject property and described the subject as being in good condition. The appraiser noted the subject's two-story brick and cedar structure was originally built as a barn for the old homestead farm. The original construction date was not available through the assessor's office. The appraiser noted the subject was purchased and gut rehabbed in 1997. The first floor contains two large classrooms, four half baths, and an administrative office. The second floor contains residential living area that includes a great room, kitchen, baths, three bedrooms and laundry room. The appraiser noted that the subject is zoned R-2, Single-Family Residence with a conditional use permit for the pre-school business. According to Chris Miller of the village zoning department, the conditional use permit is owner specific and does not transfer with the property.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value. The appraiser asserted that the greater Wauconda area as well as surrounding communities was researched for unusual residential structures, residences with home business allowed, or uses that were allowed under the zoning which might be applicable to the subject. The appraiser noted very few sales were found in the immediate area, so the search was broadened to include all lower Lake County market area and the sales gathered and profiled in this report are the most recent and similar, providing the most reliable indicators of value. The appraiser utilized five sales that are located in Wauconda. The comparables are described as one, hillside ranch dwelling and four, two-story dwellings ranging in size from 2,662 to 4,239 square feet of living area. The properties were built from 1976 to 2000 and are situated on sites ranging in size from .45 to 2.3 acres of land area. Each comparable has a basement with finished area, three of which are walk-out design. Other features include central air conditioning, one or two fireplaces, and a two-car to a four-car garage. One comparable has a pole barn and one comparable has inground swimming pool. The comparables sold from June 2016 to July 2017 for prices ranging from \$412,000 to \$580,000 or from \$102.62 to \$184.36 per square foot of living area, including land. The appraiser adjusted the comparables for differences in building size, lot size, location, building features and other pertinent factors affecting value, to arrive at a value range for the subject from \$450,000 to \$500,000. After considering the subject's unique nature, location, and condition, the appraiser concluded the subject lies near the middle range of value or an estimated market value of \$475,000.

The appraiser noted the subject was not currently listed for sale but did indicate the subject was listed on and off for sale since 2013 starting at \$1,000,000 and last listed for \$799,000. The listing and history report indicated the subject was last listed on February 13, 2017, and it was on the market for 80 days before expiring. Under listing remarks, it stated "Sold as a package – the Residence, Land and Business and at an Excellent Price."

Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$220,534. The subject's assessment reflects an estimated market

value of \$670,520 or \$158.18 per square foot of living area, including land, when applying the 2019 three-year average median level of assessment for Lake County of 32.89%.

In response to the appeal, the board of review critiqued the appellant's restricted appraisal report noting the appraiser did not employ a cost approach nor was there a market data comparison grid, detailing any adjustments to the comparable properties in relation to the subject which would explain the logic employed in arriving at the final concluded value. Furthermore, none of the comparables are mixed use properties like the subject and are single-family residences within a 1.8 to 3.2 mile radius of the subject. The board of review also submitted a grid analysis and Multiple Listing Service sheets associated the appellant's comparable sales.

In support of the subject's assessment, the board of review submitted Multiple Listing Service sheets on two comparable sales located in Mundelein and Barrington. The board of review asserted these two sales are mixed-use properties like the subject. Comparable #1 is a two-story building with 2,228 square feet of building area that was built in 1922 on a 21,000 square foot site. The first floor contains 5 or 6 offices, a bathroom, and a kitchen while the second floor features a two-bedroom apartment. The property also features a basement, central air conditioning, a two-car garage and six outdoor parking spaces. The listing describes comparable #2 as a beautifully maintained two-story historic home. It has 2,400 square feet of building area that was built in 1924 on a 22,522 square foot site. The property is described as having one apartment unit and one commercial unit that features central air conditioning and six outdoor parking spaces. The comparables sold in June 2007 and March 2018 for prices of \$350,000 and \$260,000 or for \$157.09 and \$108.33 per square foot of living area, including land, respectively. Based on this evidence, the board of review requested confirmation of the subject's assessment.

### **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 and the board of review provided two comparables to support their respective opinions before the Board.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The appraiser developed the sales comparison approach to value using five comparable sales with varying degrees of similarity to the subject property. The appraiser explained these sales were the most recent, similar comparables that provided the most reliable indicators of value for the subject. The appraiser applied adjustments to the comparables for differences from the subject property in lot size, building size and features to arrive at an estimated market value of \$475,000. The subject's assessment reflects a market value of \$670,520, which is greater than the appraised value. The Board gives less weight to the board of review comparables which are considerably older and smaller properties than the subject and are not located in Wauconda like

the subject. One comparable also sold over 10 years prior to the valuation date. Lastly, these comparables were unadjusted for their differences when compared to the subject. Based on this evidence, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is justified.

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.

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Chairman



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Member

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Member



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Member

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Member

DISSENTING:

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C E R T I F I C A T I O N

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:

July 19, 2022

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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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**COUNTY**

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