



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

APPELLANT: James & Stephanie Gray  
DOCKET NO.: 19-02636.001-R-1  
PARCEL NO.: 13-02-109-010

The parties of record before the Property Tax Appeal Board are James & Stephanie Gray, the appellants; 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:** \$33,196  
**IMPR.:** \$158,452  
**TOTAL:** \$191,648

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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 dwelling of frame and stucco exterior construction with 4,373 square feet of living area.<sup>1</sup> The dwelling was constructed in approximately 2001 and has an actual and effective age of 18 years old. Features of the home include an unfinished basement, central air conditioning, a fireplace and 660 square foot attached garage. The property has a 23,225 square foot site and is located in Tower Lakes, Cuba Township, Lake County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$520,000

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<sup>1</sup> The appellants' appraiser reported a dwelling size of 4,339 square feet of living area with a sketch of the subject based on architectural plans. The assessing officials reported a dwelling size for the subject of 4,373 with a property sketch based on physical measurements. The Board finds the assessing officials' sketch, based on measurements of the subject property, to be most reliable.

as of January 1, 2019. The appraisal was prepared by William A. Falkanger, a certified general real estate appraiser.

The intended use of the appraisal report was to “estimate market value for ad valorem tax purposes.” Users of the report included the taxpayers of record and township and county taxing bodies. The appraiser stated that the appraisal was based on an exterior inspection of the subject property and that interior information was provided by the property owner. The appraiser conditioned the value opinion on the extraordinary assumption that the subject property was in average overall condition. The appraiser indicated the subject site, located on the north side of Roberts Road, experiences an average daily vehicle count totaling 8,750, based on information from the Illinois Department of Transportation. The appraiser contends the site’s proximity to traffic negatively impacts its value due to noise and ingress/egress.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using five comparable sales located from 0.48 to 3.33 miles from the subject property. The comparables have sites that range in size from 36,545 to 83,200 square feet of land area and are improved with one Cape Cod style dwelling and four, two-story dwellings of cedar, vinyl, siding, brick or brick and cedar exterior construction that range in size from 2,738 to 4,410 square feet of living area. The homes range in age from 17 to 56 years old. Each comparable has a basement, three with finished area, central air conditioning, one or two fireplaces and a two-car to a four-car garage. Comparable #3 features an inground swimming pool. The comparables sold from September 2017 to August 2019 for prices ranging from \$470,000 to \$660,000 or from \$129.59 to \$171.66 per square foot of living area, land included.

The appraiser adjusted the comparables for differences from the subject in location, site size, view, age, dwelling size, room count, finished basement area, garage size, exterior features and fireplace count. After adjustments, the appraiser arrived at adjusted values for the comparables ranging from \$473,900 to \$531,000 or from \$120.41 to \$188.46 per square foot of living area, land included. As a result, the appraiser arrived at an estimated market value for the subject of \$520,000 or \$118.91.

Based on this evidence, the appellants requested the subject’s assessment be reduced to \$140,000 which equates to a market value of \$420,042 or \$96.05 per square foot of living area, land included when applying the statutory level of assessments of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$191,648. The subject's assessment reflects a market value of \$582,694 or \$133.25 per square foot of living area, land included, when using the 2019 three year average median level of assessment for Lake County of 32.89% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review, through the Cuba Township Assessor, submitted a grid analysis and property record cards on the subject and five comparables located from 0.41 to 1.65 miles from the subject property. The board of review also submitted the Multiple Listing Service (MLS) sheets on each of its comparable sales. Board of review comparables #2, #3 and #4 are the same properties as the appraisal comparables #2, #1 and #5, respectively. The comparables have sites that range in size from 40,802 to 83,200 square

feet of land area and are improved with two-story dwellings of frame or brick and frame exterior construction that range in size from 3,463 to 4,410 square feet of living area. The homes were built from 1977 to 2002. Each comparable has a basement, four with finished area, central air conditioning, one to three fireplaces and an attached garage ranging in size from 599 to 1,055 square feet of building area. The comparables sold from April 2018 to August 2019 for prices ranging from \$505,500 to \$660,000 or from \$129.72 to \$173.26 per square foot of living area, land included.<sup>2</sup>

The board of review, through Cuba Township, commented that the appellants had received a reduction in their 2019 assessment from the board of review totaling \$61,673 and did not believe a further reduction was warranted. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellants argued that the board of review comparables did not consider the location of the subject property on a "very busy road" and requested the State of Illinois reference the appraisal which is specific to the subject property.

### **Conclusion of Law**

The appellants contend 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 evidence in the record did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As an initial matter, the appraiser contends the site's proximity to traffic negatively impacts its value due to noise and ingress/egress. The Board finds none of the comparables used by the parties appear to have a similar "traffic" location as the subject. While the comparables were each adjusted to reflect this negative site influence, the Board finds that no market data supporting this claim was presented in the appraisal.

The appellants submitted an appraisal and the board of review submitted five comparable sales, three of which were also chosen by the appraiser, for the Board's consideration. As to the appellants' appraisal, the Board finds that an incorrect sale price for appraisal comparable #1 was utilized in the report and no adjustment was made for appraisal comparable #4's smaller dwelling size calling into question the appraiser's adjusted sale prices for the comparables and therefore the final opinion of value for the subject property. For these reasons, less weight is given to the opinion of value as presented in the appraisal. However, the Board shall consider the raw sale data presented in the appraisal report.

The record contains seven comparable sales for the Board's consideration, as three comparables were submitted by both parties. The Board gave less weight to the appraisal comparables #2, #3,

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<sup>2</sup> Board of review comparable #3 is the same property as the appellant's comparable #1 which was reported to have sold for \$505,500 by the board of review and for \$505,000 by the appellants' appraiser. The MLS sheet for this sale indicates a sale price of \$505,500.

#4 and #5 along with board of review comparables #1, #2 and #4 which differ in age, dwelling size, condition, location greater than one mile and/or dissimilar garage area when compared to the subject.

The Board finds the best evidence of market value to be the appraisal comparable #1/board of review comparable #3 along with board of review comparable #5 which are more similar to the subject in location, age, design, dwelling size and condition as reported in the MLS sheets. These comparables have larger site sizes compared to the subject suggesting a downward adjustment is needed to make these sales more equivalent to the subject. The two best comparables sold in April and May 2018 for prices of \$505,500 and \$660,000 or for \$129.72 and \$164.34 per square foot of living area, including land. The subject's assessment reflects a market value of \$582,694 or \$133.25 per square foot of living area, including land, which is bracketed by the two best comparable sales in the record. After considering adjustments to the comparables for differences with the subject, the Board finds a reduction in the subject's assessment is not 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.



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: June 8, 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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COUNTY

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