



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

APPELLANT: Mat Vanderkloot, Trustee
DOCKET NO.: 19-02720.001-R-1
PARCEL NO.: 16-19-400-015

The parties of record before the Property Tax Appeal Board are Mat Vanderkloot, Trustee, the appellant, by attorney Michael B. Andre, of Eugene L. Griffin & Associates, Ltd. 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: \$266,655
IMPR.: \$112,624
TOTAL: \$379,279

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 2.5-story dwelling of stucco and frame exterior construction with approximately 4,636 square feet of living area.¹ The dwelling was constructed in 1929 and was 90 years old at the time of the appraisal. Features of the home include a partial basement with finished area, central air conditioning, and one fireplace. The property features a 483-square

¹ The record contains numerous discrepancies in the description of the subject property. The appraisal and the evidence submitted by the board of review, which includes the property record card, a grid analysis, and an MLS listing sheet for a prior sale of the subject property, contain conflicting information regarding the story height, dwelling size, exterior construction, basement finish, and the number of bedrooms and bathrooms. These discrepancies are outlined in more detail in the decision. Based on the photographs included in the appraisal and the listing sheet submitted by the board of review which reflects a third-floor bedroom, the Board finds that the subject is a 2.5-story dwelling and, thus, that the square footage cited in the appraisal is more accurate. The discrepancies in the number of bedrooms and bathrooms will not affect the Board's ability to make a decision in this matter.

foot attached garage and a 720-square foot detached garage. The property has a 259,180 square foot site and is located in Bannockburn, West Deerfield Township, Lake County.

The appellant's appeal is based on overvaluation. The appellant submitted an appraisal report with an estimated market value of \$850,000 as of January 1, 2019. The appraisal was prepared by Gregory Nold, MAI, a Certified General Real Estate Appraiser. The property rights appraised were fee simple. The intended use of this appraisal was to establish an equitable ad valorem tax assessment.

In the appraisal report the appraiser contends that "the subject site has severely diminished utility as an estimated 40% of the parcel (primarily in the north end) is prone to flooding and unusable." The appraiser states that the "comparable analysis considers an effective site size of 155,509 Sq. Ft. (60%) for the subject" and "severe external obsolescence is factored as I-294 is clearly visible and audible from various positions in and around the house."

The appraiser conducted interior and exterior inspections of the subject property and noted that the subject had several items of physical and functional obsolescence such as original windows, short ceilings, narrow stairways, radiator heat, drafty rooms, narrow galley kitchen, and "a broken fireplace that costs \$20,000 to repair."

In estimating the market value, the appraiser developed the sales comparison approach to value. Under the sales comparison approach to value, the appraiser utilized five comparable sales of properties located from .13 to .91 of a mile from the subject property. The comparables consist of one, 2.5-story and four, 2-story dwellings of masonry or frame and masonry exterior construction ranging in size from 3,705 to 9,875 square feet of living area. The dwellings ranged in age from 12 to 94 years old, with comparable #3 noted on the appraisal as being "95% new." According to the appraisal, the comparables each have a full or partial basement, three of which have finished area, central air conditioning, one to four fireplaces, and a 2-car or a 3-car garage. The dwellings are situated on sites ranging in size from 97,596 to 222,156 square feet of land area, three of which are described as having "busy" or "noisy" views. Comparable #3 features an elevator. The comparables sold from August 2017 to February 2019 for prices ranging from \$620,000 to \$1,390,000 or from \$140.76 to \$202.50 per square foot of living area, including land. After applying adjustments to the comparables for differences from the subject in lot size, view, condition, dwelling size, bathroom count, kitchen and bath finishes, number of fireplaces, garage size, and basement size and/or finish, the appraiser arrived at adjusted prices ranging from \$724,430 to \$889,460. Based on these adjusted sale prices, the appraiser arrived at an opinion of market value for the subject of \$850,000 as of January 1, 2019. Based on this evidence, the appellant requested a reduction in the subject's assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$379,279. The subject's assessment reflects a market value of \$1,153,174 or \$248.74 per square foot of living area, land included, when applying the 2019 three-year average median level of assessment for Lake County of 32.89% as determined by the Illinois Department of Revenue.

In response to appellant's evidence, the Lake County Board of Review (LCBOR) submitted a memorandum disclosing that the appellant submitted the same appraisal at the LCBOR hearing

which resulted in a reduction in the assessed value from \$399,319 to \$379,279. The LCBOR argues that the appraiser significantly misrepresented the unusable area of the subject's site and its view of I-294. The LCBOR contends that maps and wetland maps, which would also have been available to the appraiser, show a total of 29,663.35 square feet of wetland area indicated on the subject's site or roughly 11%, compared to the 40% opined by the appraiser. Further, the appraiser did not include any photographs of the purported view of I-294 from the subject property. The board of review submitted aerial photographs of the subject property and surrounding area and argued that even when measuring at the shortest distance, the freeway is over 1,500 feet away with a heavily wooded lot with mature trees in between. The board agrees that, while there may be some noise from the freeway, a view is unlikely.

In response to the appraiser's contention of physical and functional obsolescence, the LCBOR noted that the bathrooms each had granite counters, custom tiling and highly upgraded fixtures and that, while a full photograph of the kitchen was not included in the appraisal, the kitchen features custom 42" cabinets, granite counters and custom inlaid ceramic or travertine tiles.² The board criticized the appraiser's unsubstantiated claim that the fireplace needs \$20,000 in repairs. Also, the board noted that the 1993 listing of the subject property indicates that the dwelling has 6 bedrooms, while the appraisal shows only 4 bedrooms, calling into question the quality of the appraisal. The board submitted the property record card for the subject which characterizes the dwelling as a 2-story structure with 4,128 square feet of living area, as depicted on the schematic included on the property record card. The property record card states that the subject has five bedrooms, four full bathrooms, one half-bathroom, and an unfinished basement.

In support of its contention of the correct assessment of the subject property, the board of review submitted a grid analysis and property record cards for the subject³ and five comparable sales, one of which was also utilized in the appraisal. Although the distances of the properties from the subject were not disclosed, the board of review stated that the comparables were all located within the subject's general market and were all marketed on the MLS. According to the grid analysis, the comparables consist of 1-story, 1.75-story or 2-story dwellings of wood siding or brick and wood siding exterior construction that were built from 1925 to 1959, with two comparables having reported effective ages of 1980 and 1990. The dwellings range in size from 3,316 to 9,875 square feet of living area. Three comparables each have a partial basement with finished area; one comparable has a full unfinished basement; and one comparable has a concrete slab foundation. Four comparables have central air conditioning. The comparables have either one, two or eight fireplaces, and an attached garage containing 242 to 1,221 square feet of building area. Comparable #5 also features a 550-square foot detached garage. Comparables #1 and #2 each have an inground swimming pool. The dwellings are situated on lots ranging in size from 13,070 to 188,610 square feet of land area. The MLS listing sheets for each of the comparables detail their various upgrades and rehabs and show that horses are allowed on the subject property and on comparables #2 and #4, which also features elevator service to all 3 levels. The comparables sold from July 2016 to September 2018 for prices ranging from \$780,000 to \$1,875,000 or from \$140.76 to \$324.06 per square foot of living area, including

² The source of this information regarding the kitchen and bathrooms finishes was not included in the memorandum.

³ The grid analysis states that the subject has a brick and wood siding exterior which conflicts with the property record card and photographs included in the appraisal which show the exterior as stucco and frame.

land. 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 that based on the evidence submitted for its review a reduction in the subject's assessment is not warranted.

The Board finds the appellant submitted an appraisal while the board of review provided evidence on five comparable sales, one of which was also included on appellant's appraisal as appraisal comparable #3 is the same property as board of review comparable #4.

The Board gives less weight to the conclusion of value contained in the appellant's appraisal which lacked adjustments to the comparables for factors such as sale date and age and as only one comparable was adjusted for lot size. Further, the appraiser made unsubstantiated assertions regarding the subject property's usable land area and need for costly fireplace repairs, all calling into question the accuracy of the appraiser's conclusion of value. The Board will, however, analyze the raw sales data of the comparables used in the appraisal.

The Board finds that none of the comparables submitted in this record are particularly similar to the subject as they differ from the subject in age, location, design, dwelling size, lot size, garage size, and/or have features such as an inground swimming pool or an elevator.

The Board gives less weight to appellant's appraisal comparable #3 and board of review comparables #1, #2, #4 and #5 which differ from the subject in age, dwelling size, lot size, foundation type and/or exterior features.

The Board finds that the remaining comparables, being appellant's appraisal comparables #1, #2 and #4 and board of review comparable #3, while having various degrees of similarity to the subject, are the best comparables submitted in this limited record. These comparables sold from April 2017 to February 2019 for prices ranging from \$620,000 to \$1,150,000 or from \$163.72 to \$266.20 per square foot of living area, land included. The subject's assessment reflects an estimated market value of \$1,153,174 or, \$248.74 per square foot of living area, land included, which falls slightly above the range established by the best comparables submitted in this record on an overall basis but within the range on a per square foot basis. After considering adjustments to the comparables for differences from the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported and 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:

March 15, 2022



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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Mat Vanderkloot, Trustee, by attorney:
Michael B. Andre
Eugene L. Griffin & Associates, Ltd.
29 North Wacker Drive
Suite 650
Chicago, IL 60606

COUNTY

Lake County Board of Review
Lake County Courthouse
18 North County Street, 7th Floor
Waukegan, IL 60085