



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

APPELLANT: Mary Jane Koltse, Trustee  
DOCKET NO.: 19-02724.001-R-1  
PARCEL NO.: 14-27-301-005

The parties of record before the Property Tax Appeal Board are Mary Jane Koltse, 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 ***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:** \$48,297  
**IMPR.:** \$194,793  
**TOTAL:** \$243,090

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 dwelling of frame and masonry exterior construction with 5,047 square feet of living area.<sup>1</sup> The dwelling was constructed in 1979 and was 40 years old at the time of the appraisal but has a reported effective age of 1981 due to an addition and updates in 2018. Features of the home include a walk-out basement with finished area, central air conditioning, two fireplaces, and a two-car garage with 639 square feet of building area. The property has a 107,625 square foot waterfront site and is located in Kildeer, Ela Township, Lake County.

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<sup>1</sup> The appraiser used a dwelling size of 4,770 square feet of living area in his appraisal which did not include a 277-square foot addition that was completed in 2018 but was not yet reflected on the property record card he used at the time of his analysis. This issue is discussed in more detail in the board of review's evidence and appellant's rebuttal.

The appellant's appeal is based on overvaluation. The appellant submitted an appraisal report with an estimated market value of \$700,000 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.

The appraisal report states "a sizable lake and flood plain cuts (sic) through the subject's site and surrounding neighborhood" and that, according to the Ela Township website, the subject property approximately 47.2% of the subject's 107,625 square feet of gross land area is designated as "residential with improvement" while the balance is categorized as a combination of lake bottom and excess land as there is no access to that part of the land located on the other side of the lake.

In estimating the market value, the appraiser developed the sales comparison approach to value. Under the sales comparison approach to value, the appraiser utilized six comparable sales of properties located from .58 to .85 of a mile from the subject property. The comparables consist of one, one story and five, two-story dwellings of masonry or frame and masonry exterior construction ranging in size from 4,082 to 4,918 square feet of living area. The dwellings ranged in age from 14 to 62 years old, with the three oldest comparables noted on the appraisal as being renovated. According to the appraisal, comparables #1 through #5 each have a full basement with finished area and comparable #6 has no basement. Each comparable has central air conditioning, one to three fireplaces, and a two-car to a five-car garage. The dwellings are situated on sites ranging in size from 46,774 to 216,058 square feet of land area, two of which have water views. Comparable #5 features an inground swimming pool and comparable #6 features a gazebo. The comparables sold from September 2017 to January 2019 for prices ranging from \$579,900 to \$760,000 or from \$125.11 to \$175.48 per square foot of living area, including land. After applying adjustments to the comparables for differences from the subject in lot size, view, age, condition, dwelling size, bathroom count, exterior features, number of fireplaces, garage size, basement size and/or finish, or the absence of a basement, the appraiser arrived at adjusted prices ranging from \$633,700 to \$710,900. Based on these adjusted sale prices, the appraiser arrived at an opinion of market value for the subject of \$700,000 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 \$251,364. The subject's assessment reflects a market value of \$765,078 or \$151.59 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 Ela Township assessor submitted a memorandum disclosing that a building permit for the construction of a one-story 276-square foot addition with a basement was issued in 2017. According to the memo, the addition was finalized on July 24, 2018 and added to the assessment in 2019. The assessor argued that when using the correct square footage of 5,047 square feet of living area along with the appraiser's final price per square foot, the assessed market value of the subject would be \$740,647. The assessor also noted that the appraiser did not make an adjustment for the effective age of the dwelling based on the

addition and updates. The board of review also submitted a grid analysis with information on the appraisal comparables which includes a photograph and schematic of the subject property and each of the appraisal comparables. The schematic for the subject property now reflects the 2018 addition.

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 subject and three comparable sales of properties located from 1.11 to 1.49 miles from the subject. The comparables are improved with two-story dwellings of frame or brick exterior construction that were built from 1975 to 1996 and range in size from 4,520 to 5,234 square feet of living area. Two comparables each have a full unfinished basement; one comparable has a concrete slab foundation. Each comparable has central air conditioning, either one, two or five fireplaces, and a garage containing 828 to 897 square feet of building area. Comparable #1 has an inground swimming pool. Comparable #2 has an inground swimming pool and a tennis court. The dwellings are situated on lots that range in size from 50,655 to 194,968 square feet of land area. The comparables sold from July 2018 to October 2019 for prices ranging from \$732,500 to \$765,000 or from \$139.95 to \$163.95 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, appellant's counsel submitted a copy of the 2019 property record card used by the appraiser in his evaluation of the subject property, along with a letter from the appraiser prepared in response to the revised dwelling size. Appellant's counsel noted that the 2019 property record card used by the appraiser states that the subject property contained 4,710 square feet of living area. He argued that the appraiser reviewed and inspected the kitchen renovation and considered it in his appraisal analysis and that the "incremental size difference does not change the number of bedrooms, bathrooms, 2-car garage, dated interior, or heavily sloped and irregularly shaped subject site." In his letter, the appraiser noted that, when using the revised building size, he would conclude an adjusted sale price range of from \$647,550 to \$724,750, with an average adjusted sale price of \$696,625 and a median adjusted sale price of \$709,775. The appraiser stated that the new information does nothing to dispel his value opinion and that the appraised value of \$700,000 is accurate and appropriately supported.

### **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 warranted.

The Board finds the appellant submitted an appraisal while the board of review provided evidence on three comparable sales.

The Board gives less weight to the conclusion of value contained in the appellant's appraisal as the appraiser noted that three of the appraisal comparables had been renovated but no effective age was stated to account for the renovation, Further, he made no mention of the 2018 addition

and renovation of the subject property and no adjustment of the effective age based on that recent addition. Also, he made no adjustment for comparable #5's inground swimming pool although he made adjustments to other comparables for various exterior features. Further, the appraisal did not include a schematic of the subject dwelling, 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 exterior features such as an inground swimming pool or tennis court, or their sales are dated relative to the January 1, 2019 assessment date at issue. The Board gives less weight to appellant's appraisal comparables #1, #2, #5 and #6 which differ from the subject in age, garage size, style, foundation type and/or exterior features. The Board also gives less weight to the board of review's comparables which are each located over a mile distant from the subject property and which differ from the subject in age, foundation type and/or exterior features.

The Board finds that the remaining two comparables, being appellant's appraisal comparables #3 and #4, are the best comparables submitted in this record and were more similar to the subject in age, design, location, and most features, although each is a slightly smaller dwelling and neither has a water-view lot like the subject, requiring adjustments to make them more equivalent to the subject. Although these two best comparables have smaller lot sizes than the subject property, only 50,811 square feet of subject's 107,625 square foot site is designated as residential with improvement, with the balance considered as lake bottom or excess land, making these two comparables more equivalent in lot size to the subject. The comparables sold in September 2018 for \$615,000 and \$560,000 or \$136.30 and \$133.46 per square foot of living area, land included, respectively. The subject's assessment reflects an estimated market value of \$765,078 or \$151.59 per square foot of living area, land included, which is higher than the best comparables submitted in this record on both an overall and a per square foot basis. After considering adjustments to the comparables for difference from the subject, the Board finds the subject's estimated market value as reflected by its assessment is not supported and a reduction in the subject's assessment 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.



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

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