



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

APPELLANT: Kevin Walsh
DOCKET NO.: 19-03269.001-C-1
PARCEL NO.: 11-19-315-007

The parties of record before the Property Tax Appeal Board are Kevin Walsh, the appellant; 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: \$34,214
IMPR.: \$51,590
TOTAL: \$85,804

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 is improved with a mixed-use commercial building with a frame and brick exterior containing 4,444 square feet of building area. The building was constructed in 1969 and is approximately 50 years old. The property is located in Mundelein, Libertyville Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a grid analysis containing information on two comparable sales and one comparable listing that did not sell.¹ The comparables are located within .28 of a mile from the subject property. The comparables have lots ranging in size from 7,405 to 32,550 square feet of land area and are improved with block, brick, or frame mixed-use commercial buildings that

¹ Appellant argued that comparable #1 was listed for \$52 per square foot of building area, land included, but it didn't sell after 318 days on the market. The appellant provided the Multiple Listing Service (MLS) sheet associated with this property depicting this property being listed for sale in August 2018 for a price of \$675,000.

range in size from 5,616 to 12,840 square feet of building area.² The comparables have land-to-building ratios ranging from .84:1 to 5.8:1. The comparables range in age from 35 to 90 years old. The two sales occurred in May 2018 and September 2019 for prices of \$387,500 and \$400,000 or for \$68.99 and \$45.61 per square foot of building area, including land, respectively.

The appellant testified that comparable sale #1 was on the market for a considerable amount of time and it never sold. The appellant also argued that another property located at 440 E. Hawley in Mundelein (not one of the appellant's comparables) sold for \$1 after being on the market for more than a year. Based on this evidence and argument, the appellant requested the subject's assessment be reduced to \$67,460, which reflects a market value of approximately \$202,400 or \$45.54 per square foot of building area, including land, when applying the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$85,804. The subject's assessment reflects a market value of \$260,882 or \$58.70 per square foot of building 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 response to the appellant's evidence, the board of review submitted descriptive information on five comparable sales located in Mundelein, Grayslake, and Long Grove. The comparables range in age from 17 to 97 years old. They have lots ranging in size from 3,250 to 42,867 square feet of land area and are improved with commercial buildings ranging in size from 2,080 to 7,450 square feet of building area and land-to-building ratios ranging from 1.56:1 to 5.75:1. The comparables sold from June 2016 to November 2018 for prices ranging from \$160,000 to \$545,000 or from \$61.54 to \$124.04 per square foot of building area. The board of review also submitted a memorandum critiquing the appellant's comparables and MLS data sheets associated with each of the parties' comparable sales, along with property record cards for each board of review comparable.

Representing the Lake County Board of Review before the Property Tax Appeal Board was Mr. Marty Kinczel who argued that appellant's comparable #1 is an "exempt property" currently used by the local board of education and should not be utilized as a viable comparable sale. Appellant's comparables #2 and #3 support the subject's assessment on an overall value basis. With respect to the property located at 440 E. Hawley, Mr. Kinczel argued that property sold for \$1 due to being located in a Tax Increment Financing (TIF) district to promote re-development, and the sale of this property was predicated upon the property being totally renovated. This property is currently on the assessment books with the assessment reflecting a market value well over \$260,000. Mr. Kinczel also argued that the Property Tax Appeal Board issued a decision based on the agreement of the parties for the 2016 tax year determining the total assessment for

² The parties disagree as to the building size of appellant's comparable #3. The appellant claims that this comparable has 8,400 square feet of building area based on the information gleaned from the township assessor's website and/or the Multiple Listing Service (MLS) sheet associated with this sale but provided no evidence in support of the reported building size. The board of review claims that appellant's comparable #3 contains 5,616 square feet of building area based on the information contained in the property record card. (See Trial Exhibit #3). The Board finds the best evidence of the building size for comparable #3 is the property record card which contains schematic drawing of the building with measurements.

the subject property of \$82,658. Mr. Kinczel argued that if the subject was an owner-occupied residential property subject to the “rollover” provision of Section 16-185 of the Property Tax Code, adding the Libertyville Township equalization factors of 1.0547 and 1.0326 for the 2017 and 2018 tax years, respectively, would have resulted in the subject’s 2019 assessment of \$90,021 which is higher than the subject’s current assessment of \$85,804. (See Trial Exhibit #2). Based on this evidence and arguments, the board of review requested a 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Initially, addressing the board of review’s hypothetical argument that had the subject property been a residential dwelling, its 2019 assessment would have been higher than its current assessment pursuant to the “rollover” provision of Section 16-185 of the Property Tax Code, the Board finds very little probative value in this argument as the subject is a commercial property and therefore not subject to the “rollover” provision of Section 16-185.

The record contains information submitted by the parties in support of their positions before the Property Tax Appeal Board consisting of seven comparable sales, one comparable listing, and one property not listed on the grid that sold for \$1. The Board gave no weight to the property that sold for \$1 as there were conditions placed on this sale including stipulation of future development of this property. Therefore, this sale lacked the essential elements of an arm's-length transaction. The Board gave less weight to appellant’s comparable listing #1 due to the fact that this property did not sell. The Board also gave less weight to board of review comparables #1, #2, and #4 based on their sale dates in 2016 and 2017 which are more remote in time from the January 1, 2019 assessment date at issue and therefore less likely to accurately reflect the subject’s market value as of the said lien date than the rest of the comparables in the record. Lastly, the Board gave less weight to board of review comparables #3 and #5 based on their locations in a different city than the subject property.

On this record, the Board finds the best evidence of market value to be appellant’s comparables #2 and #3 which are most similar to the subject in location, age, mixed-use, and some features. However, comparable #2 is significantly larger in building area and comparable #3 is significantly larger in land area relative to the subject property suggesting that adjustments would need to be considered to these comparables in order to make them more equivalent to the subject. The two best comparables in the record sold in May 2018 and September 2019 for prices of \$387,500 and \$400,000 or for \$68.99 and \$45.61 per square foot of building area, respectively. The subject's assessment reflects a market value of \$260,882 or \$58.70 per square foot of building area, including land, which is less than the two best comparable sales in this record on an overall value basis and bracketed by the two best comparables on a per square foot basis demonstrating that the subject’s assessment is supported. After considering adjustments to

the two best comparables for differences from the subject property, the Board finds that the appellant did not establish by a preponderance of the evidence that the subject property is overvalued and, therefore, a reduction in the subject's assessment is not warranted.

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:

August 23, 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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