



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

APPELLANT: Robert Stecher
DOCKET NO.: 19-03512.001-R-1
PARCEL NO.: 01-01-301-022

The parties of record before the Property Tax Appeal Board are Robert Stecher, 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 **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: \$16,571
IMPR.: \$26,533
TOTAL: \$43,104

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 1-story dwelling of frame construction with 1,296 square feet of living area. The dwelling was constructed in 1956. Features of the home include a crawl space foundation and a detached garage containing 504 square feet of building area. The property has a 12,150 square foot site and is located in Antioch, Antioch Township, Lake County.

The appellant, Robert Stecher, appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal.¹ In support of this argument, the appellant submitted a grid analysis containing information on four comparable sales located from .93 of a mile to 3.26

¹ Although the appellant requested an assessment reduction to both land and improvement (dwelling), the record does not contain evidence of land-only sales. Therefore, the Property Tax Appeal Board will analyze and determine the value of the subject property with land and improvement together. See Showplace Theatre Company v. Property Tax Appeal Board, 145 Ill.App.3d. 774 (2nd Dist. 1986).

miles of the subject property. The comparable properties have sites ranging in size from approximately 5,000 to 31,988 square feet of land area. The comparables are improved with 1-story dwellings of wood siding exterior construction ranging in age from approximately 70 to 99 years old.² The dwellings range in size from 884 to 1,640 square feet of living area. Each comparable has a crawl space or a concrete slab foundation; comparable #3 has central air conditioning; comparables #2 and #4 each have a wood-burning stove; and comparables #2 and #3 have a garage containing 228 and 350 square feet of building area, respectively. The comparables sold from January 2018 to September 2019 for prices ranging from \$25,000 to \$125,000 or from \$24.51 to \$79.18 per square foot of living area, including land. The appellant provided descriptive detail sheets and color photographs of the four comparable properties in addition to color photographs of the exterior of the subject property depicting extensive flooding.

The appellant testified before the Property Tax Appeal Board that the four comparable sales have superior features when compared to the subject property such as enclosed front porch, larger lot, larger bedroom/bathroom count, fireplace feature, and/or vaulted ceiling and each has sale price and price per square foot of living area lower than that of the subject as reflected by the assessments. The appellant testified that in tax year 2019, the subject property flooded three times which is quite typical. On each of those three occasions, the appellant was unable to use the water or to flush the toilets for approximately 30 days. One photo submitted by the appellant depicts white mold spread across a large portion of the yard and patio pavers as well as decaying grass which the appellant had to burn off and reseed. The appellant further testified that typical damage following a flood includes replacing the flooring/carpeting, as well as the water pump, and the water pressure tank which are located in the crawl space. Additionally, some exterior siding and patio pavers were replaced on multiple occasions. Mr. Stecher testified that Federal Emergency Management Agency (FEMA) records confirm that the subject lot is the lowest lot in the subdivision and is merely one foot higher than the lake level. As evidence of the County's knowledge of frequent flooding in the subject neighborhood, Mr. Stecher submitted a copy of an undated letter from the Lake County Health Department notifying residents of the recommended precautions to be taken following a flood which includes avoiding washing with or drinking water from private wells that have been flooded until the water has been tested and deemed free of harmful bacteria. The appellant added that the subject's subdivision lacks curbs, gutters, and sidewalks and that his home has not been renovated other than aforementioned repairs following flood damage.

As to the appellant's comparables, Mr. Stecher emphasized superior features and/or characteristics of the comparables relative to the subject as listed in the Multiple Listing Service (MLS) sheets associated with the respective sales. Based on this evidence and arguments, the appellant requested the subject's land and improvement assessments be reduced.

Under cross-examination, Mr. Stecher stated that he was not physically displaced from his home due to flooding, but he reiterated that he did not have the use of water or toilet for approximately 30 days following each flood in 2019 and had to use the water and shower facilities at his work. Upon further cross-examination, the appellant testified that he was not aware of an offer by the

² The appellant's grid depicts comparable #1 as being 60 years old and comparable #4 as being 62 years old. However, the property record cards provided by the board of review (Trial Exhibits #2 and #3) indicate that these homes are 99 and 79 years old, respectively.

township assessor to inspect the inside of his home and denied his refusal to such offer, but he recalled unspecified government officials visiting the neighborhood on one occasion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$47,495. The subject's assessment reflects a market value of \$144,406 or \$111.42 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 submitted information on three comparable sales located from 3.1 to 4 miles from the subject property. The comparables have parcels ranging in size from 5,660 to 9,150 square feet of land area and are improved with 1-story dwellings with wood-siding exterior construction that range in size from 720 to 1,044 square feet of living area. The dwellings were built from 1952 to 1964. Two homes each have an unfinished basement; one comparable has a fireplace; and one comparable has a detached 308 square foot garage. The comparables sold from June 2018 to March 2019 for prices ranging from \$150,000 to \$166,000 or from \$159.00 to \$208.33 per square foot of living area, including land. The board of review also provided copies of property record cards for its comparables. (Trial Exhibits #4 through #6).

Representing the board of review was board member, Jack Perry. Mr. Perry first critiqued the appellant's comparables as being substantially inferior to the subject in terms of being older and having no heat source (appellant's comparable #1); being not habitable and therefore sold "as-is" (comparables #2 and #3); and being located on a busy street and adjacent to commercial property (comparable #4). Mr. Perry argued that the board of review comparables are more similar in characteristics to the subject property and therefore support the subject's assessment. Based on this evidence and testimony, the board of review requested the assessment be sustained.

In rebuttal, the appellant contended that the MLS data sheets associated with the sales of each of the board of review comparables depict that board of review comparable #1 has a basement, unlike the subject, was remodeled in 2007, features a screened-in gazebo, and has no known history of flooding. In addition, board of review comparable #2 was completely remodeled in 2015, has a full walkout basement, and likewise no known history of flooding. Lastly, appellant contended that comparable #3 has a boat house, boat ramp with an electric winch, and the sale price included a second (adjacent) lot with a separate property identification number.

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 Board finds the parties submitted a total of seven comparable sales in support of their respective positions before the Property Tax Appeal Board. The Board finds that none of the parties' comparables are particularly similar to the subject except that all seven comparables have channel-front access as does the subject property. The Board gave less weight to board of review comparables #1 and #2 as each of these dwellings has a basement, a feature that the subject lacks, in addition to being remodeled and having no history or recurrent flooding, unlike the subject property. The Board gave less weight to board of review comparable #3 based on its living area being 57% smaller in size relative to the subject dwelling, its location being 4 miles away and furthest in distance from the subject property out of all the parties comparables, and due to having a second parcel included in the sale price. Finally, the Board gave less weight to appellant's comparables #2 and #3 based on these properties' poor condition and being uninhabitable at the time of their sales.

The Board finds that based on this record and the testimony of the parties, the best evidence of market value to be appellant's comparables #1 and #4 which are most similar to the subject in location, condition, and most features. These best comparables in the record sold in September 2018 and September 2019 for prices of \$70,000 and \$125,000 or for \$79.18 and \$76.22 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$144,406 or \$111.42 per square foot of living area, including land, which is higher than the two best comparables in the record both on an overall value basis and on a per square foot of living area basis. Additionally, considering the recurrent flooding of the subject property supported by photographic and testimonial evidence and not refuted by the board of review, and after considering adjustments to the two best comparables in this record for differences from the subject, the Board finds that the appellant established by a preponderance of the evidence that the subject property is overvalued. Therefore, a reduction in the subject's assessment commensurate with the appellant's request is 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: July 19, 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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