



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

APPELLANT: Barry C. Weitzenfeld
DOCKET NO.: 19-04192.001-R-1
PARCEL NO.: 06-20-404-046

The parties of record before the Property Tax Appeal Board are Barry C. Weitzenfeld, the appellant, by attorney Ronald Kingsley, of Lake County Real Estate Tax Appeal, LLC in Lake Forest; 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: \$2,957
IMPR.: \$0
TOTAL: \$2,957

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 vacant site containing 5,227 square feet of land area.¹ The property is located in Round Lake, Avon Township, Lake County.

The appellant's appeal is based on overvaluation. The appellant submitted an appraisal report with an estimated market value of \$0 as of January 1, 2019. The appraisal was prepared by R. Steven Kephart, a Certified Residential Real Estate Appraiser, and the property rights appraised were fee simple. The intended use of this appraisal was to determine the estimated market value for a real estate tax valuation. The appraiser described the subject property as being located in low land and that the "lot appears not buildable therefore is valued at zero." The appraisal report did not contain any supporting documentary evidence such as flood plain/zoning maps in support of the appraiser's assertion.

¹ This information was drawn from the subject's property record card submitted by the board of review.

In estimating the market value, the appraiser developed the sales comparison approach to value utilizing three comparable sales of vacant lots located from 1.74 to 1.99 miles from the subject property with two comparables being located in the same city as the subject. The appraiser asserted that due to lack of recent sale activity, the search parameters needed to be expanded to 2 miles distant from the subject. The comparable sites contain either 7,500 or 12,310 square feet of land area and each sold in March 2018 for prices of either \$12,000 or \$12,500 or for either \$1.00 or \$1.63 per square foot of land area. After applying adjustments to the comparables for differences from the subject for site/view, sewer and water utilities, and "flooding issue," the appraiser arrived at adjusted \$0 value for each of the three comparable land sales. Based on the adjusted sale prices, the appraiser arrived at an opinion that the subject had zero value as of January 1, 2019.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value.²

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$8,160. The subject's assessment reflects a market value of \$24,810 or \$4.75 per square foot of land area 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 support of its contention of the correct assessment, the board of review submitted the property record card for the subject property and a grid analysis containing information on three comparable land sales located either .91 of a mile or 2.6 miles from the subject property. The comparables consist of unimproved sites containing either 6,970 or 11,330 square feet of land area. The comparables sold in March 2018 and April 2019 for prices of either \$12,000 or \$20,000 or either \$1.72 or \$1.77 per square foot of land area. 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, the appellant met this burden and a reduction in the subject's assessment is warranted.

The Board finds the appellant submitted an appraisal while the board of review provided a grid analysis and property record card for the subject property and three comparable sales. The Board gave less weight to the conclusion of value contained in the appellant's appraisal. The appraiser utilized sales that are 1.74 miles or greater in distance from the subject contending that no other comparables were available in closer proximity to the subject which is rebutted by two board of

² The appellant's counsel stated a nominal amount of \$1 assessment for each land and improvement on the residential appeal form.

review comparables that are each located less than 1 mile from the subject. In addition, the appraiser opined that the subject property has no value based on its location without any supporting documentary evidence and failed to adjust the comparables for frontage. The Board finds that these factors undermine and detract from the appraiser's value conclusion. Having examined the appraisal report and all sales data in the record, the Board finds that the appraiser's final conclusion of value is not a credible or reliable indicator of the subject's estimated market value as of January 1, 2019. The Board will, however, examine the six land sales in the record presented by the parties.

The Board finds the parties submitted a total of six comparable land sales for the Board's consideration. The Board gave less weight to appraiser's comparable #1 and board of review comparable #1 based on their significantly larger site sizes relative to the subject lot, in addition to being less proximate in location to the subject than the remaining comparables in the record. The Board finds the best evidence of subject's market value to be appraiser's comparables #2 and #3, along with board of review comparables #2 and #3 which are most similar to the subject in size and location. These four best comparables in the record sold in March 2018 and April 2019 for prices of either \$12,250 or \$12,000 or for \$1.63 or \$1.72 per square foot of land area. The subject's assessment reflects a market value of \$24,810 or \$4.75 per square foot of land area which is above the range established by the best comparable sales in the record. Consequently, the Board finds that the subject property is overvalued and, thus, a reduction in the subject's assessment 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: January 18, 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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