



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

APPELLANT: Gary Cole
DOCKET NO.: 19-05651.001-R-1
PARCEL NO.: 16-21-403-035

The parties of record before the Property Tax Appeal Board are Gary Cole, the appellant, by Mendy L. Pozin, Attorney at Law in Northbrook; 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: \$54,749
IMPR.: \$225,223
TOTAL: \$279,972

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 brick exterior construction with 5,157 square feet of living area. The dwelling was constructed in 2003. Features of the home include a basement with finished area, central air conditioning, a fireplace, a garage containing 898 square feet of building area, an inground swimming pool, and a hot tub. The property has an 18,850 square foot site and is located in Highland Park, West Deerfield Township, Lake County.

The appellant appeared before the Property Tax Appeal Board by counsel Mendy Pozin contending overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales located within .87 of a mile of the subject, one of which is in the same assessment neighborhood as the subject. The comparables consist of 2-story dwellings of brick or frame exterior construction ranging in size from 5,145 to 7,333 square feet of living area. The homes were built from 1990 to 2005. Each dwelling has central air conditioning, one to four fireplaces, and a garage ranging in size from 805 to 1,293 square feet of

building area. Two comparables each have a basement with one having finished area. Comparable #3 has an inground swimming pool. The parcels range in size from 38,310 to 57,550 square feet of land area. The comparables sold from February 2018 to September 2019 for prices ranging from \$700,000 to \$800,000 or from \$109.10 to \$151.60 per square foot of living area, including land.

At hearing, appellant's counsel noted that the subject has a quality grade of Very Good and that three of the comparables in the record have quality grades of Excellent. Counsel argued that appellant comparable #1 has a similar dwelling size to the subject, a larger parcel than the subject, and has a higher land value, based on the respective land assessments. Counsel asserted that appellant comparable #2 has a larger parcel than the subject and has a higher land value based on the assessment. Counsel then argued that appellant comparable #3 has a larger dwelling, a superior quality grade, and a larger parcel than the subject, yet sold for less than the subject's estimated market value based on its assessment. Counsel contended that these comparables suggest that the subject has been overvalued.

Based on this evidence, the appellant requested a reduced total assessment of \$179,973, for an estimated market value of \$539,973 or \$104.71 per square foot of living 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 \$279,972. The subject's assessment reflects a market value of \$851,237 or \$165.06 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.

Jack Perry, Mass Appraisal Specialist, appeared on behalf of the Lake County Board of Review and noted that the subject had a permit for an addition in 2012. Mr. Perry pointed out that appellant comparable #1 lacks an inground swimming pool which is a feature of the subject, and was updated and subsequently sold in 2021 for \$1,175,000. Mr. Perry asserted that appellant comparable #2 is older than the subject, has no basement, and is located in a flood plain. Mr. Perry then argued that appellant comparable #3 was an "as-is" sale and is dissimilar to the subject in dwelling size.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales located within 2.4 miles of the subject, one of which is in the same assessment neighborhood as the subject. The comparables consist of 2-story dwellings of brick, wood siding, or brick and wood siding exterior construction ranging in size from 3,874 to 5,488 square feet of living area. The dwellings were built in 2001 or 2002. Each dwelling has central air conditioning, one or two fireplaces, a basement with two having finished area, and a garage ranging in size from 691 to 816 square feet of building area. The parcels range in size from 9,000 to 37,930 square feet of land area. The comparables sold from May to October 2018 for prices ranging from \$867,000 to \$1,382,500 or from \$172.92 to \$251.91 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, counsel argued that the subsequent sale of appellant comparable #1 is irrelevant for purposes of this appeal, occurring two years after the tax year at issue, and that the 2021 sale price resulted from significant renovations to the property. Counsel contended that board of review comparables #2 and #3 are located outside of the subject's municipality and that board of review comparable #3 has a finished basement and dissimilar dwelling size to the subject.

In surrebuttal, Mr. Perry noted that the subject is a newer home, built in 2003, with an addition in 2012, making the subject superior in condition to each of the comparables in the record. Mr. Perry reiterated that appellant comparable #2 does not have a basement, is significantly older than the subject, and is located in a flood plain, as well as appellant comparable #3 being dissimilar to the subject in dwelling size.

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.

The parties submitted a total of six comparable sales to support their respective positions before the Property Tax Appeal Board. The Board gives less weight to the appellant's comparables #2 and #3 due to differences in age, dwelling size, foundation, and/or lack of finished basement area when compared to the subject. The Board also gives reduced weight to board of review comparables #2 and #3 due to dwelling size, location, and/or lack of finished basement area in relation to the subject.

The Board finds the best evidence of market value to be appellant's comparable sale #1 and board of review comparable sale #1 which are similar to the subject in age, dwelling size, location, and most features, noting that both comparables lack inground swimming pool and hot tub amenities suggesting upward adjustments would be necessary to make them more equivalent to the subject. These most similar comparables sold for prices of \$780,000 and \$1,382,500 or for \$151.60 and \$251.91 per square foot of living area, including land. The subject's assessment reflects a market value of \$851,237 or \$165.06 per square foot of living area, including land, which is bracketed by the best comparable sales in this record. Based on this evidence and after considering adjustments to the best comparables for differences when compared to the subject, the Board finds 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

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 21, 2023

Clerk of the Property Tax Appeal Board

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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