



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

APPELLANT: Paul Bialek
DOCKET NO.: 19-07011.001-R-1
PARCEL NO.: 16-29-416-002

The parties of record before the Property Tax Appeal Board are Paul Bialek, 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: \$32,903
IMPR.: \$73,753
TOTAL: \$106,656

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 1.75-story cape cod style dwelling of stucco exterior construction with 1,710 square feet of living area.¹ The dwelling was constructed in 1932 and is 87 years old. Features of the home include an unfinished basement, a fireplace, and a 2-car garage with 441 square feet of building area. The property has an approximately 6,350 square foot site and is located in Deerfield, West Deerfield Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$320,000 as of January 1, 2019. The appraisal was prepared by Todd R. Swanson, a certified residential real estate appraiser. The intended use of the appraisal report was to develop the market value of the subject property for the purposes of a tax appeal.

¹ The Board finds the best evidence of the subject's description was presented in the appraisal submitted by the appellant.

The appraiser described the subject as an 87-year-old home that has an estimated effective age of 40 years old. The subject was described as having good quality construction and in average condition with an average level of modernization. In estimating the market value of the subject property, the appraiser developed the cost and sales comparison approaches to value.

In developing the cost approach to value for the subject property, Swanson estimated the subject site had a value of \$220,000. The improvements were estimated to have a replacement cost new totaling \$236,032 and an as is value of site improvements of \$5,000. After subtracting estimated physical depreciation of \$134,875, the appraiser arrived at a depreciated cost of the subject improvements plus land of \$326,200.

In developing the sales comparison approach to value, the appraiser selected six comparable sales located from 0.04 to 0.91 of a mile from the subject property. The comparables have sites that range in size from 6,200 to 7,920 square feet of land area and are improved with cape cod, colonial or farmhouse style dwellings of good quality construction that range in size from 1,230 to 1,800 square feet of living area. The homes range in age from 65 to 105 years old. Each comparable has a basement, three with finished area and a 1-car or 2-car garage. One comparable has central air conditioning and five comparables have either one or two fireplaces. The comparables sold from September 2017 to June 2019 for prices ranging from \$318,000 to \$347,500 or from \$183.33 to \$264.23 per square foot of living area, land included.

The appraiser adjusted the comparables for differences with the subject in location, site size, condition, room count, dwelling size, finished basement area and other elements. The appraisal report included interior photographs of the comparable properties to support condition and modernization adjustments. After adjustments, the appraiser arrived at adjusted prices ranging from \$300,500 to \$336,500.

The appraiser reconciled the two approaches to value, arriving at an opinion of market value for the subject of \$320,000. Swanson stated that most weight was given to comparables #1, #4 and #6 as these properties had "minimal net and gross adjustments." Based on this evidence, the appellant requested the subject's assessment be reduced to \$106,656 to reflect the appraised value of the subject property.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$114,683. The subject's assessment reflects a market value of \$348,687 or \$203.91 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 response to the appellant's appraisal, the board of review submitted comments questioning the appraiser's choice of comparable sales located outside of the subject neighborhood when "there were four similar homes in the immediate neighborhood." The board of review critiqued condition adjustments made by the appraiser, noting appraisal comparables #1-#3 are adjusted by \$6,000 in condition while comparables #4-#6 are adjusted by \$10,000 for condition. Lastly the board of review critiqued the appraisal comparables #3 and #6 which sold in 2017.

In support of its contention of the correct assessment the board of review submitted information on five comparables located within 0.22 of a mile from the subject and where four of the comparables are also located in the same assessment neighborhood code as the subject property. The comparables have sites that range in size from 3,980 to 10,500 square feet of land area and are improved with 1.5-story or 1.75-story dwellings of wood siding or brick and wood siding exterior construction that range in size from 1,440 to 1,993 square feet of living area. The homes were built from 1901 to 1950 with comparable #2 having an effective year built of 1961. Each comparable has a basement, one with finished area and a garage ranging in size from 300 to 576 square feet of building area. Three comparables have central air conditioning and one comparable has a fireplace. The comparables sold from June 2018 to January 2020 for prices ranging from \$355,000 to \$550,000 or from \$211.87 to \$343.75 per square foot of living area, land included. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant contended the board of review comparables reflect homes similar to the subject in location, age, and dwelling size, however, each of these properties is in "MUCH better condition than the subject property." In support of this contention, the appellant submitted interior and exterior photographs of each board of review comparable sale and for the subject which depicts condition of the comparables in contrast with the condition of the subject property.

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 appellant submitted an appraisal and the board of review submitted five comparable sales for the Board's consideration. The Board finds both parties submitted comparable properties similar to the subject in location but have varying degrees of similarity to the subject in age, design, dwelling size, basement, condition, and other features. The Board gives less weight to board of review comparables which, as shown in the photographs submitted by the appellant in rebuttal, are substantially superior in condition when compared to the subject property, as documented in the appraisal, which are not adjusted for these differences like the appraisal comparables.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The subject's assessment reflects a market value of \$348,687 or \$203.91 per square foot of living area, including land, which falls above the appraised value. The Board finds the subject property had a market value of \$320,000 as of the assessment date at issue and a reduction in the subject's assessment, commensurate with the 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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