



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

APPELLANT: Jeff Gerchenson  
DOCKET NO.: 19-07696.001-R-1  
PARCEL NO.: 17-31-302-083

The parties of record before the Property Tax Appeal Board are Jeff Gerchenson, the appellant, by attorney Max E. Callahan, of Siegel & Callahan, P.C. in Chicago; 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:** \$230,034  
**IMPR.:** \$316,216  
**TOTAL:** \$546,250

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 1.5-story dwelling of masonry and frame exterior construction with 5,547 square feet of living area. The dwelling was constructed in 1975 and has a chronological age of 44 years old.<sup>1</sup> Features of the home include a basement with finished area, central air conditioning, three fireplaces and a 3-car attached garage. The property has a 58,413 square foot site and is located in Highland Park, Moraine 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 \$1,425,000 as of January 1, 2019. The appraisal was prepared by Gregory B. Nold, a Certified

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<sup>1</sup> The board of review estimates the subject property has an effective year built of 1997 while the appraiser opined the subject to have an effective age of 30 years old.

General Real Estate Appraiser and MAI. The intended use of the appraisal report was for the purpose of assisting the client with an ad valorem tax assessment.

The appraiser described the subject to have a total site size of 58,413 square feet of land area with a severe sloping topography which includes a ravine. The report identifies the subject's site as being located in a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area reported as FEMA Flood Zone AE. The appraiser further commented that the northern reaches of the site or approximately 54.1% of the parcel lay in a ravine which includes the flood zone AE and that this area of the subject site was unbuildable and offered limited utility. In the comparable grid the appraiser reported the subject site size as "26,790SF+Ravine," and explained that the 26,790 square feet represent the usable area of the subject site. The remaining square footage located in a ravine and flood plain the appraiser opined to be excess land which provided an enhanced view amenity for the subject property. With respect to the subject's functional utility, the appraiser opined the subject's three bedrooms and separate kitchen were functionally inferior in the subject's market.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value selecting six comparable sales located from 0.07 of a mile to 3.27 miles from the subject property. The comparables are reported to have sites that range in size from 18,327 to 37,919 square feet of land area. Comparables #2 and #3 also have sites which include a ravine. The comparables are improved with a 1.5-story, a 2-story or a 2.5-story dwelling of frame, masonry or frame and masonry exterior construction that range in size from 4,312 to 8,200 square feet of living area. The homes range in age from 13 to 143 years old. Each comparable has a basement with finished area, central air conditioning, two to five fireplaces and from a 2-car to a 4-car garage. The comparables sold from June 2017 to March 2019 for prices ranging from \$1,300,000 to \$1,625,000 or from \$198.17 to \$301.48 per square foot of living area, land included.

The appraiser adjusted the comparables for differences with the subject in location, site, condition, room count, dwelling size, basement features and other relevant elements arriving at adjusted sale prices for the comparables ranging from \$1,330,700 to \$1,470,400 and an opinion of market value for the subject of \$1,425,000. Based on this evidence, the appellant requested the subject's assessment be reduced to \$470,250 which equates to a market value of \$1,410,891 or \$254.35 per square foot of living area, land included when applying the statutory assessment level of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$546,250. The subject's assessment reflects a market value of \$1,660,839 or \$299.41 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 eight comparables located from 0.12 of a mile to 2.20 miles from the subject property. The comparables have sites that range in size from 14,360 to 34,610 square feet of land area and are improved with a 2-story or a 2.5-story dwelling that have a combination of brick, stone, wood, Dryvit and stucco exterior materials and range in size from 4,771 to 6,235 square feet of living

area. The homes were built from 1929 to 2008. Each comparable has a basement with seven having finished area. Each dwelling has central air conditioning, one to five fireplaces and a garage ranging in size from 420 to 1,066 square feet of building area. Comparable #5 has an inground swimming pool. The comparables sold from January 2016 to May 2019 for prices ranging from \$925,000 to \$2,650,000 or from \$186.00 to \$492.93 per square foot of living area, land included.

The board of review also submitted copies of two permits associated with the subject property. The first permit, issued in May 2011 in the amount of \$610,000 was for an addition and remodel. The second permit issued in March 2014 in the amount of \$450,000 was for repairs associated with a flood event. Based on the evidence in the record, the board of review offered to reduce the subject's total assessment to \$534,103.

In rebuttal, the appellant rejected the board of review's offer to lower the subject's total assessment. The appellant's attorney argued that renovation work at the subject, occurring in 2011 and 2015, are not recent renovations but regardless have been taken into consideration by the appraiser. Counsel noted that home improvement projects do not always return an equivalent market value to a dwelling. Counsel reiterated the functional elements opined by the appraiser in his report. The appellant's attorney critiqued the board of review comparables stating that the unadjusted per square foot values for board of review comparables #1, #4, #7 and #8 all support a lower value than the proposed offer made by the board of review. Counsel stated that the market value for the subject was clearly established in the submitted appraisal.

### **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 appellant submitted an appraisal with six comparable sales and the board of review submitted eight comparable sales for the Board's consideration.

The Board finds comparables #4, #5 and #6 utilized by the appraiser are dissimilar to the subject in location, age and/or dwelling size and comparables #1 and #6 sold in 2017, less proximate in time to a January 1, 2019 lien date than other properties in the record. Additionally, the Board notes that board of review comparable #6, which sold in May 2019, was not utilized by the appraiser without explanation. This sale would have been available for the appraiser's consideration based on the August 3, 2020 appraisal report date. As a result, less weight is given to the opinion of value for the subject as presented in the appraisal. The Board shall, however, consider the raw sales data presented in the appraisal.

The Board gives less weight to the appraisal comparables #1, #4, #5 and #6 which differ from the subject in location, age, dwelling size and/or sold in 2017 less proximate in time to the assessment date at issue. The Board gives less weight to board of review comparables #1, #2,

#3, #4 #5, #7 and #8 which sold in either 2016 or 2017, less proximate to the assessment date than other comparables in the record, feature an inground swimming pool amenity which the subject property lacks and/or are less similar in location than other comparables in the record.

The Board finds the best evidence of market value to be appraisal comparables #2 and #3 along with board of review comparable #6 which sold proximate in time to the January 1, 2019 assessment date and are more similar to the subject in location but present varying degrees of similarity to the subject in age, design, dwelling size and other features. These best comparables sold from February 2018 to May 2019 for prices ranging from \$1,323,000 to \$1,637,000 or from \$246.79 to \$314.38 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,660,839 or \$299.41 per square foot of living area, including land, which falls above the range established by the best comparable sales in the record on an overall market value basis and within the range on a per square foot basis. After considering adjustments to the comparables for differences with 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.



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Chairman



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Member



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Member



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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: June 27, 2023



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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

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

Jeff Gerchenson, by attorney:  
Max E. Callahan  
Siegel & Callahan, P.C.  
1 North Franklin  
Suite 450  
Chicago, IL 60606

COUNTY

Lake County Board of Review  
Lake County Courthouse  
18 North County Street, 7th Floor  
Waukegan, IL 60085