



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

APPELLANT: Brian & Heather Pozzi
DOCKET NO.: 19-09178.001-R-1
PARCEL NO.: 14-02-402-013

The parties of record before the Property Tax Appeal Board are Brian & Heather Pozzi, the appellants, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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: \$32,180
IMPR.: \$157,645
TOTAL: \$189,825

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from the 2018 tax year decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 3,395 square feet of living area. The dwelling was constructed in 2002. Features of the home include a full unfinished basement, central air conditioning, a fireplaces and a 736 square foot garage. The property has a 58,641 square foot site and is located in Hawthorn Woods, Ela Township, Lake County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted information on five comparable sales located in the same assessment neighborhood as the subject and within .62 of a mile from the subject property. The comparables have sites that range in size from 39,508 to 51,957 square feet of land area. The comparables are improved with two-story dwellings of brick or wood siding exterior ranging in size from 3,004 to 3,947 square feet of living area. The dwellings were built from 1989 to 2002. Each comparable

has an unfinished basement, central air conditioning and a garage ranging in size from 640 to 782 square feet of building area. Four comparables each have one fireplace. The properties sold from March 2018 to July 2019 for prices ranging from \$440,000 to \$575,000 or from \$134.26 to \$146.47 per square foot of living area, including land. Based on this evidence, the appellants requested the subject's assessment be reduced to \$155,832 reflecting a market value of \$467,543 or \$137.72 per square foot of living area, including land, when using 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 \$197,152. The subject's assessment reflects a market value of \$599,428 or \$176.56 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 within the same assessment neighborhood as the subject and within .60 of a mile from the subject property. The board of review's comparable #2 is the same property is the appellant's comparable #5. The comparables have sites that range in size from 40,779 to 45,738 square feet of land area. The comparables are improved with two-story dwellings of brick or wood siding exterior ranging in size from 3,449 to 3,947 square feet of living area. The dwellings were built from 2001 to 2003. The comparables each have an unfinished basement, one of which is a walk-out. Each comparable has central air conditioning, one or two fireplaces and a garage ranging in size from 609 to 1,075 square feet of building area. The properties sold from June 2017 to June 2019 for prices ranging from \$510,000 to \$605,000 or from \$145.68 to \$175.41 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellants contend that board of review comparable #1 is an acceptable comparable sale; board of review comparable #2 is the same as appellants' comparable sale #5; and board of review board of review comparable #3 is not comparable as its 2017 sale is too remote in time to establish market value as of January 1, 2019. In a rebuttal grid analysis, counsel reiterated that the appellants' comparables and board of review comparable #1 are the best comparable sales in the record and contended the subject's assessment should be reduced.

Conclusion of Law

The appellants contend 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 a reduction in the subject's assessment is warranted based upon the evidence in the record.

The parties submitted seven suggested comparable sales for the Board's consideration, as one sale was common to both parties. The Board has given less weight to the appellants' comparables #1 through #4 as the dwellings are older in age when compared to the subject

dwelling. The Board has given reduced weight to board of review comparable #3 due to its sale occurring in 2017, which is less proximate in time to the assessment date issue than the other comparables in the record, and thus less likely to be reflective of market value as of January 1, 2020.

The Board finds the best evidence of market value to be the appellants' comparable #5/board of review comparable #2, along with board of review comparable #1. The Board finds these two comparables are overall most similar to the subject in location, design and age. However, the Board finds both comparable dwellings are larger in size when compared to the subject dwelling and both have features with varying degrees of similarity when compared to the subject. Nevertheless, these two comparables sold in May 2018 and June 2019 for prices of \$575,000 and \$605,000 or for \$145.68 and \$175.41 per square foot of living area, including land. The subject's assessment reflects a market value of \$599,428 or \$176.56 per square foot of living area, including land, which is bracketed by the two the best comparables in the record in terms of overall market value, but above the comparables on a price per square foot basis. After considering adjustments to the comparables for differences from the subject in dwelling size and features, the Board finds the subject's estimated market value as reflected by its assessment is excessive. Therefore, based on this record the Board finds a reduction in the subject's assessment based on overvaluation 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:

August 23, 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

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

APPELLANT

Brian & Heather Pozzi, by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

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