



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

APPELLANT: Nitin Kher & Ginny Gamboj
DOCKET NO.: 20-00676.001-R-2
PARCEL NO.: 13-28-101-013

The parties of record before the Property Tax Appeal Board are Nitin Kher & Ginny Gamboj, the appellants, by attorney Michael J. Torchalski, of the Law Offices of Michael J. Torchalski, P.C in Cary; 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: \$58,177
IMPR.: \$308,013
TOTAL: \$366,190

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 2020 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 8,534 square feet of living area.¹ The dwelling was constructed in 2001. Features of the home include a basement with finished area, central air conditioning, four fireplaces, a six-car garage, and an inground swimming pool. The property has a 217,800 square foot site and is located in Barrington Hills, Cuba Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal prepared by Paul Smith, a Certified Residential Real Estate

¹ The appellant's appraiser reported a dwelling size of 8,534 square feet whereas the assessing officials report a dwelling size of 8,542 square feet. While both parties have schematic drawings to support their respective conclusions, the Board finds the best evidence of the description and features of the subject is the appellant's appraisal.

Appraiser, estimating the subject property had a market value of \$1,100,000 as of January 1, 2020. The purpose of the appraisal was for a tax appeal with “no other use implied.”

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value by using four comparable sales located within 1.46 miles of the subject. The comparables are improved with two-story dwellings of unknown exterior construction ranging in size from 6,848 to 9,495 square feet of living area. The dwellings are 11 to 61 years old. Each comparable has central air conditioning, three to five fireplaces, a basement with finished area, and a three to eight-car garage. Two of the comparables each have an inground swimming pool. The sales occurred from January 2018 to October 2019 for prices ranging from \$820,000 to \$1,200,000 or from \$112.54 to \$137.42 per square foot of living area, including land. Adjustments were applied for differences between the comparables and the subject property for financing concessions, construction quality, bathroom count, dwelling size, basement finish, and garage size, fireplaces, and inground swimming pools to arrive at adjusted prices ranging from \$1,080,000 to \$1,137,350. Based on this data, the appraiser arrived at a market value of \$1,100,000 or \$128.90 per square foot of living area, including land, as of January 1, 2020. The appellant requested the subject’s assessment be reduced to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$487,523. The subject's assessment reflects a market value of \$1,464,473 or \$171.60 per square foot of living area, land included, when using the 2020 three-year average median level of assessment for Lake County of 33.29% 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 in the same neighborhood code as the subject property. The comparables are improved with one or two-story dwellings of brick exterior construction ranging in size from 5,752 to 7,297 square feet of living area. The dwellings were built from 1970 to 2001. Each dwelling has central air conditioning, two to five fireplaces, and a basement with finished area. Two of the comparables have a garage with 1,113 and 1,341 square feet of building area, respectively. The parcels range in size from 211,218 to 292,973 square feet of land area. The comparables sold from June 2018 to September 2020 for prices ranging from \$1,025,000 to \$1,600,000 or from \$140.47 to \$241.25 per square foot of living area, including land. 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 the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The parties submitted an appraisal and three comparable sales for the Board's consideration. The Board finds the best evidence of market value to be the appraisal submitted by the appellant estimating the subject property had a market value of \$1,100,000 or \$128.90 per square foot of living area, including land, as of January 1, 2020. The appraisal was completed using similar comparable properties when compared to the subject and contained appropriate adjustments to the comparable properties, which further advances the credibility of the report. The subject's assessment reflects a market value of \$1,464,473 or \$171.60 per square foot of living area, including land, which is above the appraised value. The board of review's unadjusted comparable sales, all significantly smaller dwellings, one of which is a dissimilar one-story design, do not overcome the weight given to the appellant's appraisal. Based on the evidence in this record, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is justified. Since market value has been established the 2020 three-year average median level of assessments for Lake County of 33.29% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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

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