



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

APPELLANT: Gerald Flaherty  
DOCKET NO.: 20-00779.001-R-1  
PARCEL NO.: 13-03-304-002

The parties of record before the Property Tax Appeal Board are Gerald Flaherty, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC 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 **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:** \$38,301  
**IMPR.:** \$171,072  
**TOTAL:** \$209,373

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 and wood siding exterior construction with 4,224 square feet of living area.<sup>1</sup> The dwelling was constructed in 1997 and is approximately 23 years old. Features of the home include a full basement with finished area, central air conditioning, two fireplaces, and an 805 square foot attached garage. Other features of the subject include a wood deck.<sup>2</sup> The property has an approximate 41,290 square foot site and is located in Lake Barrington, Cuba Township, Lake County.

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<sup>1</sup> The parties differ as to the dwelling size of the subject. The Board finds the best description of the subject is the property record card provided by the board of review.

<sup>2</sup> The board of review disclosed that the subject property has a wood deck not reported by the appellant.

The appellant contends assessment inequity with respect to the improvement as the basis of the appeal. In support of this argument, the appellant submitted information on four equity comparables with the same assessment neighborhood code as the subject and located within .21 of a mile from the subject property. The comparables are improved with two-story dwellings of brick or wood siding exterior construction that range in size from 3,834 to 4,838 square feet of living area. The dwellings range in age from 24 to 28 years old. The comparables each have a full or partial basement, one of which has finished area and one comparable has a walk-out. Each comparable has central air conditioning, from two to five fireplaces, and an attached garage ranging in size from 748 to 821 square foot of building area. The comparables have improvement assessments ranging from \$152,681 to \$190,791 or from \$36.94 to \$39.82 per square foot of living area. Based on this evidence, the appellant requested that the improvement assessment be reduced to \$161,616 or \$38.26 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$217,269. The subject property has an improvement assessment of \$178,968 or \$42.37 per square foot of living area. In support of its contention of the correct assessment, the board of review submitted information on five equity comparables with the same neighborhood code as the subject and located from 2.38 miles to 2.68 miles from the subject. The comparables are improved with two-story dwellings of brick, brick and Dryvit, or brick and wood-siding exterior construction that range in size from 4,080 to 4,406 square feet of living area. The dwellings were built from 1991 to 1996 with comparable #1 having an effective built date of 1998. The comparables each have a full basement, four of which have finished area and one comparable has a walk-out. Each comparable has central air conditioning, from one to five fireplaces and an attached garage ranging in size from 713 to 850 square feet of building area. Comparable #3 also has a 279 detached garage. Each comparable has a wood deck and/or a gazebo. The comparables have improvement assessments ranging from \$237,329 to \$253,149 or from \$54.98 to \$58.54 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

### **Conclusion of Law**

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The record contains nine suggested equity comparables for the Board's consideration. The Board gives less weight to the board of review comparables which are less proximate in location to the subject than the other comparables in the record.

The Board finds the best evidence of assessment equity to be the appellant's comparables which are more proximate in location to the subject with varying degrees of similarity to the subject in design, age, dwelling size and some features. However, three comparables lack finished area

which is a feature of the subject. These comparables have improvement assessments ranging from \$152,681 to \$190,791 or from \$36.94 to \$39.82 per square foot of living area. The subject's improvement assessment of \$178,968 or \$42.37 per square foot of living area falls within the range established by the best comparables in the record on an overall basis but falls above the range on a per square foot basis. However, based on this record and after considering adjustments to the best comparables for differences when compared to the subject such as basement finish, the Board finds the appellant demonstrated with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is 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

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:

September 20, 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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