



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

APPELLANT: Lou Franchi
DOCKET NO.: 20-01156.001-R-1
PARCEL NO.: 15-28-317-008

The parties of record before the Property Tax Appeal Board are Lou Franchi, the appellant, by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. 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: \$28,852
IMPR.: \$113,858
TOTAL: \$142,710

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 wood siding exterior construction with approximately 2,662 square feet of living area.¹ The dwelling was built in 1989 and is approximately 30 years old. The home has an effective age of 1990. Features of the home include a basement with finished area, central air conditioning, a fireplace, and a 2-car garage. The property has an 11,095 square foot site and is located in Buffalo Grove, Vernon Township, Lake County.

¹ The parties differ slightly regarding the subject's reported dwelling size. The appellant's appraiser included a schematic drawing in the report depicting a dwelling size of 2,620 square feet of living area. The board of review presented the subject's property record card depicting the subject's dwelling size of 2,662 square feet of living area. On this record, the Board finds the best evidence of the subject's dwelling size is found in the subject's property record card presented by the board of review, which was not refuted by the appellant in rebuttal. Furthermore, due to the applicable provisions of the Property Tax Code, the size discrepancy is not relevant to the outcome in this 2020 tax year appeal.

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 \$415,000 as of January 1, 2019. The appraisal was prepared by Garry Nusinow, a certified general real estate appraiser, for the purpose of estimating the market value of the subject property as of January 1, 2019 for *ad valorem* tax purposes.

Under the sales comparison approach, the appraiser analyzed the sales of six comparables located from 0.20 to 0.54 of a mile from the subject property. The parcels range in size from 6,825 to 13,275 square feet of land area and are improved with Colonial, Traditional, or Dutch Colonial homes of frame and masonry or frame, brick, and masonry construction ranging in size from 2,220 to 2,573 square feet of living area. The dwellings are from 30 to 34 years old. Each home has a basement with finished area, central air conditioning, and a 2-car garage. Five of the homes each have a fireplace. The comparables sold from March 2017 to January 2019 for prices ranging from \$370,000 to \$473,000 or from \$149.80 to \$202.70 per square foot of living area, including land.

The appraiser adjusted the comparables for various considerations, including credits at closing, and for differences from the subject, such as location, view, dwelling size, room count, basement finish, and other amenities. This process resulted in adjusted sales prices ranging from \$376,500 to \$439,500. Based on the foregoing sales and adjustment process, Nusinow set forth an opinion of market value for the subject of \$415,000 or \$158.40 per square foot of living area, including land, as of January 1, 2019 under the sales comparison approach.

The appellant submitted a brief summarizing the appraisal report, including reiterating the appraiser's description of the subject property, the appraiser's conclusion that sales in the neighborhood support stable residential property prices, and the appraiser's adjustments.

As part of the appeal, the appellant also disclosed that the subject property is an owner-occupied residence. The Board further takes judicial notice that this property was the subject matter of an appeal before the Board the prior year under Docket Number 19-06478.001-R-1. In that appeal the Board issued a decision lowering the assessment of the subject property to \$142,184 based on the evidence in the record.

Based on this evidence the appellant requested a reduction in the subject's assessment 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 \$155,603. The subject's assessment reflects a market value of \$467,417 or \$175.59 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.

Also, as part of the "Board of Review Notes on Appeal," the board of review reported that 2019 was the first year of the general assessment cycle for the subject property and that for tax year 2020 an equalization factor of 1.0037 was applied to non-farm properties in Vernon Township.

In response to the appeal, the board of review submitted a brief contending that the appellant's appraisal includes four sales more than one year from the assessment lien date and two sales located/situated outside the subject's neighborhood.

In support of its contention of the correct assessment, the board of review submitted data on three comparable sales. The comparables are located from 0.22 to 0.37 of a mile from the subject property and within the same assessment neighborhood code as the subject property. The parcels range in size from 10,010 to 15,710 square feet of land area and are improved with two-story homes of wood siding or brick and wood siding exterior construction ranging in size from 2,422 to 2,654 square feet of living area. The dwellings were built in 1988 or 1990. Each home has a basement, two of which each have a recreation room, central air conditioning, a fireplace, and either a 420 or a 441 square foot garage. Comparable #2 has an inground swimming pool. The comparables sold from July 2019 to December 2020 for prices ranging from \$460,000 to \$505,000 or from \$173.32 to \$198.18 per square foot of living area, including land.

Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, noting that there was a pending 2019 tax year appeal, the appellant contended that a decision of the Board lowering an assessment of an owner-occupied residential property, which has not been subsequently sold in an arm's length transaction, should rollover to the remainder of the triennial general assessment cycle. In this regard, counsel reported the subject property had not recently sold and any prior year reduction should be carried forward, subject only to equalization.

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, pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) a reduction in the subject's assessment is warranted. In pertinent part, section 16-185 of the Property Tax Code provides:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The Board finds that the subject property was the subject matter of an appeal before the Board for the 2019 tax year under Docket No. 19-06478.001-R-1 in which a decision was issued based upon the evidence presented by the parties reducing the subject's assessment to \$142,184. The record further disclosed the subject property is an owner-occupied dwelling. The Board also finds that the 2019 to 2020 tax years are within the same general assessment period and an equalization factor of 1.0037 was applied in Vernon Township in 2020. Furthermore, the decision of the Board for the 2019 tax year has not yet been reversed or modified upon review and there was no evidence the subject property recently sold establishing a different fair cash value. Applying section 16-185 of the Property Tax Code would result in a reduced total assessment of \$142,710, which is less than the 2020 assessment of the subject property of \$155,603.

Additionally, notwithstanding the dictates of Section 16-185 of the Property Tax Code, the record contains an appraisal submitted by the appellant and three comparable sales submitted by the board of review to support their respective positions before the Board.

The Board gives reduced weight to the value conclusion contained within the appellant's appraisal which relied on a total of six sales, four of which occurred less proximate in time to the January 1, 2020 assessment date at issue in this appeal. Given Nusinow's reliance on four sales that occurred in 2017 and 2018, the Board finds that the appraisal fails to produce a credible and/or reliable indicator of the subject's estimated market value as of the assessment date at issue. Having made this determination, the Property Tax Appeal Board will examine the raw sales data presented in the appraisal and by the board of review that occurred most proximate in time to the valuation date and which are most similar to the subject property.

The record contains a total of nine comparable sales for the Board's consideration. The Board gives less weight to the appraisal sales #2, #3, #4, and #6, which sold more remote in time from the assessment date. The Board gives less weight to the board of review's comparable #1, which does not have finished basement area like the subject, and the board of review's comparable #2, due to its inground swimming pool which is not a feature of the subject.

The Board finds the best evidence of market value to be the appraisal sales #1 and #5 and the board of review's comparable #3, which are similar to the subject in dwelling size, age, location, and most features. These most similar comparables sold in January and September 2019 for prices ranging from \$387,000 to \$460,000 or from \$156.68 to \$173.32 per square foot of living area, including land. The subject's 2020 assessment reflects a market value of \$467,417 or \$175.59 per square foot of living area, including land, which is above the range established by the best comparable sales in the record. The Board finds on this record that the best sales comparables demonstrate that the subject property is overvalued, but once reduced as an owner-occupied property, is correctly valued for assessment purposes.

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:

April 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

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