



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

APPELLANT: Michael Gelb
DOCKET NO.: 20-01169.001-R-1
PARCEL NO.: 16-34-105-043

The parties of record before the Property Tax Appeal Board are Michael Gelb, 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: \$75,275
IMPR.: \$160,806
TOTAL: \$236,081

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 2-story dwelling of brick and wood siding exterior construction with 4,235 square feet of living area.¹ The dwelling was constructed in 1977 and is approximately 43 years old, but has an effective age of 1986. Features of the home include a basement with finished area, central air conditioning, a fireplace, and a 2-car garage. The property has an approximately 20,295 square foot site and is located in Highland Park, Moraine Township, Lake County.

¹ The parties differ regarding the subject's dwelling size. The appellant presented an appraisal containing a sketch and measurements of the subject home and the board of review presented the subject's property record card which contains a sketch and measurements of the subject home. The Board finds the best evidence of dwelling size is found in the appellant's appraisal which contains more precise measurements of the subject home.

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 \$705,000 as of January 1, 2019. The appraisal was prepared by Gary Nusinow, a certified general real estate appraiser, for ad valorem tax purposes. The appraiser inspected the interior and exterior of the subject property on October 30, 2019.

Under the sales comparison approach, the appraiser examined five comparable sales located from 0.10 to 0.61 of a mile from the subject property. The parcels range in size from 17,289 to 28,385 square feet of land area and are improved with 2-story homes of brick, frame, and masonry exterior construction ranging in size from 3,533 to 4,189 square feet of living area. The dwellings range in age from 28 to 48 years old. Each home has a basement with finished area, central air conditioning, and a 2-car or a 3-car garage. Four homes each have a fireplace. The comparables sold from February 2017 to September 2018 for prices ranging from \$615,000 to \$745,000 or from \$163.63 to \$177.85 per square foot of living area, including land. The appraiser made adjustments to the comparables for financing concessions and for differences from the subject, including location, age, condition, room count, dwelling size, finished basement area, and garage size, to calculate adjusted sale prices ranging from \$691,000 to \$747,500. Based on the foregoing, and giving the most weight to appraisal sale #2, the appraiser opined a market value for the subject of \$705,000 as of January 1, 2019.

As part of the appeal, the appellant also disclosed that the subject property is an owner-occupied residence.

The Board takes judicial notice that this property was the subject matter of an appeal before the Board the prior year under Docket Number 19-06620.001-R-1. In that appeal the Board issued a decision lowering the assessment of the subject property to \$234,977 based on the agreement of the parties.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$247,801. The subject's assessment reflects a market value of \$744,371 or \$175.77 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 1.0047 was applied to non-farm properties in Moraine Township.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales. The comparables are located from 0.02 to 0.58 of a mile from the subject property. The parcels range in size from 12,080 to 26,540 square feet of land area and are improved with 2-story homes of brick or brick and wood siding exterior construction ranging in size from 3,888 to 5,020 square feet of living area. The dwellings were built from 1966 to 1980, with two homes having effective ages of 1974 and 1981. Each home has a basement, four of which have finished area, central air conditioning, a fireplace, and a garage ranging in size

from 460 to 600 square feet of building area. Comparables #3 and #4 each have an inground swimming pool. The comparables sold from February 2019 to October 2020 for prices ranging from \$660,000 to \$850,000 or from \$139.79 to \$192.22 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, 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. 19-06620.001-R-1 in which a decision was issued based on the agreement of the parties reducing the subject's assessment to \$234,977. 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 1.0047 was applied in Moraine 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 \$236,081, which is less than the 2020 assessment of the subject property of \$247,801.

Additionally, notwithstanding the dictates of Section 16-185 of the Property Tax Code, the record contains an appraisal presented by the appellant and five comparable sales presented by the board of review. The Board give less weight to the appraised value conclusion given the extraordinary adjustments applied by the appraiser to the appraisal comparables for differences from the subject, suggesting that these properties are not very similar to the subject. Moreover, the appraisal comparables sold less proximate in time to the January 1, 2020 assessment date than other comparable sales in this record. The Board also gives less weight to the board of review's comparables #3 and #4, due to significant differences from the subject in dwelling size and/or inground swimming pool amenity.

The Board finds the best evidence of market value to be the board of review's comparables #1, #2, and #5, which are similar to the subject in dwelling size, age, location, and most features. These most similar comparables sold from February 2019 to October 2020 for prices ranging from \$660,000 to \$850,000 or from \$139.79 to \$192.22 per square foot of living area, including land. The subject's assessment as reduced herein reflects a market value of \$709,165 or \$167.45 per square foot of living area, including land, which is within the range established by the best comparable sales in the record. Based on this evidence and after considering appropriate adjustments to the best comparables for differences when compared to the subject, the Board that the comparables demonstrate the subject property, 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:

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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