



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

APPELLANT: Gabriel Viti
DOCKET NO.: 20-01671.001-C-1
PARCEL NO.: 16-15-405-041

The parties of record before the Property Tax Appeal Board are Gabriel Viti, 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 **No Change** 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: \$43,416
IMPR.: \$93,005
TOTAL: \$136,421

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 1-story retail/restaurant building with 2,178 square feet of building area. The building was constructed in 1979 and has a reported effective age of 1992.¹ The building has a full basement that is used for storage. The property has a 4,211 square foot site and is located in Highwood, Moraine Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales located from 0.08 of a mile to 10 miles from the subject in Highwood, Mundelein, or Vernon Hills. The parcels range in size from 28,562 to 58,370 square feet of land area and are improved with retail/restaurant buildings ranging in size from 5,000 to 5,700 square feet of building area. Two buildings were constructed

¹ Additional details regarding the subject property not reported by the appellant are found in the subject's property record card presented by the board of review.

in 1955 and 2010. The comparables sold from June 2018 to September 2019 for prices ranging from \$525,000 to \$852,000 or from \$105.00 to \$154.91 per square foot of building area, including land. The appellant also disclosed that comparable #2 was under contract for a resale for a price of \$799,000. Based on this evidence the appellant requested a reduction in the subject's assessment to \$110,747 which would reflect a market value of \$332,274 or \$155.56 per square foot of building area, land included, when applying 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 \$136,421. The subject's assessment reflects a market value of \$409,796 or \$188.15 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 five comparable sales located in Palatine, Gurnee, Buffalo Grove, or Vernon Hills. The parcels range in size from 13,939 to 117,612 square feet of land area and are improved with retail/restaurant buildings ranging in size from 3,102 to 7,271 square feet of building area. Three buildings were constructed from 1975 to 1989. The comparables sold from April 2018 to January 2021 for prices ranging from \$1,450,000 to \$2,100,500 or from \$210.63 to \$544.81 per square foot of building area, including land.

The board of review submitted a brief contending the appellant's comparable #1 was a mixed-use property that was torn down for redevelopment and the appellant's comparable #2 sold again in June 2021 above the listing price. The board of review presented a CoStar Property Summary Report with a photograph of the appellant's comparable #1 depicting a 3-story mixed residential and commercial building that was constructed in 2020.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains a total of eight comparable sales for the Board's consideration. The Board gives less weight to the appellant's comparable #2 and the board of review's comparable #1, which sold less proximate in time to the January 1, 2020 assessment date than other comparables in this record.

The Board finds the best evidence of market value to be the appellant's comparables #1 and #3 and the board of review's comparables #2 through #5, which have varying degrees of similarity to the subject, however, these comparables are all larger buildings with larger lots than the

subject, suggesting that downward adjustments to these comparables would be needed to make them more similar to the subject. These most similar comparables sold from September 2018 to January 2021 for prices ranging from \$815,000 to \$2,100,500 or from \$142.98 to \$373.13 per square foot of building area, including land. The subject's assessment reflects a market value of \$409,796 or \$188.15 per square foot of living area, including land, which is below the range established by the best comparable sales in terms of total market value and within the range on a price per square foot basis. Based on this evidence and after considering appropriate adjustments to the best comparables for differences when compared to the subject, the Board finds a reduction in the subject's assessment is not 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: November 22, 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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