



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

APPELLANT: Scott DeGraeve  
DOCKET NO.: 21-00638.001-R-1  
PARCEL NO.: 14-08-310-017

The parties of record before the Property Tax Appeal Board are Scott DeGraeve, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC in Chicago; and the Lake County Board of Review.<sup>1</sup>

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:** \$46,678  
**IMPR.:** \$190,000  
**TOTAL:** \$236,678

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 2021 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 4,154 square feet of living area.<sup>2</sup> The dwelling was constructed in 2002 and is approximately 19 years old. Features of the home include an unfinished basement, central air conditioning, a fireplace and an 836 square foot garage. The property has an approximately 19,600 square foot site and is located in Lake Zurich, Ela Township, Lake County.

The Board takes notice the subject property is an owner-occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number

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<sup>1</sup> The parties agreed to forego the scheduled virtual hearing on this case and have the Board issue a decision based on the evidence in the record.

<sup>2</sup> The Board finds the best evidence of the subject's description was found in the subject's property record card submitted by the board of review, which includes a sketch with measurements of the subject's improvement.

20-02626.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$236,678 based on the evidence.

The appellant contends assessment inequity, with respect to the improvement assessment, as the basis of the appeal. In support of this argument, the appellant submitted information on four equity comparables located in the same assessment neighborhood code as the subject. The comparables are improved with two-story dwellings of brick or wood siding exterior construction that range in size from 4,059 to 4,190 square feet of living area. The homes range in age from 16 to 21. Each comparable has a basement, central air conditioning, one or two fireplaces and a garage ranging in size from 654 to 864 square feet of building area. The comparables have improvement assessments that range from \$143,936 to \$171,965 or from \$34.90 to \$41.04 per square foot of living area. Based on this evidence, the appellant requested the subject's improvement assessment be reduced to \$173,504 or \$41.77 per square foot of living area when using the subject's dwelling size of 4,154 as reported in the property record card.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$250,267. The subject has an improvement assessment of \$203,589 or \$49.01 per square foot of living area when using the subject's dwelling size of 4,154 as reported in the property record card. The notes on appeal also disclosed that 2019 was the beginning of the subject's general assessment cycle and an equalization factor of 1.0000 was applied in Ela Township for the 2021 tax year.

In support of its contention of the correct assessment, the board of review submitted information on ten equity comparables located in the same assessment neighborhood code as the subject property. The comparables are improved with two-story dwellings of brick exterior construction that range in size from 4,028 to 4,735 square feet of living area. The homes were built from 2004 to 2009. Each comparable has a basement, central air conditioning, one to three fireplaces and a garage ranging in size from 700 to 924 square feet of building area. Comparable #2 has an inground swimming pool. The comparables have improvement assessments that range from \$188,559 to \$227,866 or from \$45.65 to \$49.52 per square foot of living area. Based on this evidence, the board of review requested the subject's assessment be confirmed.

### **Conclusion of Law**

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

The Property Tax Appeal Board finds that the subject property was the matter of an appeal before this Board for the prior tax year under Docket Number 20-02626.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the subject's assessment to \$236,678. The Property Tax Appeal Board takes notice that Ela Township's general assessment

period began in the 2019 tax year and continues through the 2022 tax year. The Board also finds this record shows that a 1.0000 equalization factor was issued in Ela Township for the 2021 tax year. The Board further finds section 16-185 of the Property Tax Code is controlling in this appeal (35 ILCS 200/16-185).

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) states in part:

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 the subject property is an owner-occupied residence and that the 2020 and 2021 tax years are within the same general assessment period for Ela Township. The record contains no evidence showing the subject property sold in an arm's length transaction establishing a different fair cash value. Furthermore, the decision of the Property Tax Appeal Board for the 2020 tax year has not yet been reversed or modified upon review. For these reasons, the Property Tax Appeal Board finds that the prior year's 2020 decision should be carried forward to the 2021 tax year pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) and a reduction in the subject's assessment is warranted to reflect the Board's prior year's decision plus application of the 2021 equalization factor.

Additionally, notwithstanding the dictates of Section 16-185 of the Property Tax Code, the record contains 14 equity comparables. The comparables have varying degrees of similarity to the subject in location, age, dwelling size and features. These properties have improvement assessments ranging from \$143,936 to \$227,866 or from \$34.90 to \$49.52 per square foot of living area. The subject's improvement assessment after reduction is \$190,000 or \$45.74 per square foot of living area which falls within the range established by the comparables in this record. The Board finds on this record 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: \_\_\_\_\_

December 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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