



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

APPELLANT: Samuel Westover
DOCKET NO.: 21-01129.001-R-1
PARCEL NO.: 09-11-107-004

The parties of record before the Property Tax Appeal Board are Samuel Westover, the appellant, by attorney Eric Feldman of Eric Feldman & Assoc. P.C. 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: \$16,147
IMPR.: \$74,932
TOTAL: \$91,079

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 vinyl siding and brick exterior construction with 2,735 square feet of living area. The dwelling was constructed in 2014. Features of the home include a basement, central air conditioning and a 462 square foot garage. The property has a 7,360 square foot site and is located in Volo, Wauconda Township, Lake County.

The appellant contends overvaluation as the basis of the appeal.¹ In support of this argument, the appellant submitted information on five comparable sales that have the same assessment neighborhood code as the subject and are located within .37 of a mile from the subject property. The comparables have sites that range in size from 6,690 to 10,550 square feet of land area. The

¹ Both parties reported that the subject property was purchased on November 27, 2018 for a price of \$265,000 or \$96.89 per square foot of living area, including land.

comparables are improved with two-story dwellings of vinyl siding, wood siding or vinyl siding and brick exterior construction ranging in size from 2,480 to 3,102 square feet of living area. The dwellings were built from 2013 to 2016. Two comparables each have a concrete slab foundation and three comparables each have a basement. Each comparable has central air conditioning and a garage ranging in size from 400 to 506 square feet of building area. The comparables sold from January to November 2020 for prices ranging from \$205,000 to \$271,250 or from \$82.66 to \$95.04 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$91,079. The subject's assessment reflects a market value of \$273,922 or \$100.15 per square foot of living area, land included, when using the 2021 three-year average median level of assessment for Lake County of 33.25% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review argued that the appellant's comparables are different models than the subject; two of the appellant's comparables are on a slab foundation, whereas the subject has a full basement; and 4 of the 5 appellant's comparables are more than 100 square feet smaller than the subject. The appellant asserted that the subject property is the only one-story residence in this custom home waterfront neighborhood.²

In support of its contention of the correct assessment, the board of review submitted information on five comparable sales that have the same assessment neighborhood code as the subject and are located within .47 of a mile from the subject property. The comparables have sites that range in size from 22,350 to 31,940 square feet of land area. The comparables are improved with two-story dwellings of brick, wood siding or brick and or wood siding exterior construction ranging in size from 2,762 to 3,275 square feet of living area. The dwellings were built from 1978 to 1985 with comparable #2 having a reported effective age of 1982. The comparables each have a basement, three of which have finished area. Each comparable has central air conditioning, one or two fireplaces and a garage ranging in size from 400 to 832 square feet of building area. The board of review asserted that these five comparables appear to be the same base model as with slight variations in elevation. The comparables sold from July 2020 to July 2021 for prices ranging from \$696,000 to \$750,000 or from \$222.01 to \$263.22 per square foot of living area, including land.

The board of review stated that board of review comparable #3 appears to be a mirror image of the subject sharing many of the same characteristics. The board of review contends that comparable #3 closed on December 30, 2020 for a price of \$280,000 as depicted in the MLS listing sheet included with the submission. The listing sheet also disclosed the property has a finished basement. The board of review also provided a copy of an MLS listing sheet for the

² The Board finds the best description of the subject dwelling is found in the subject's property record card provided by the board of review depicting the subject dwelling is a two-story design, which is further supported by the photographic evidence found in the subject's Multiple Listing Service (MLS) listing sheet submitted by the board of review.

subject property which disclosed the subject was listed for sale on February 1, 2022 for a price of \$350,000.

Based upon the sales of like-kind and/or same model dwellings and the sales price of the same model home just two days before the lien date, the board of review recommends the subject's total assessment be increased to \$93,324, which would reflect a market value of \$280,674 or \$102.62 per square foot of living area, land included, when using the 2021 three-year average median level of assessment for Lake County of 33.25% as determined by the Illinois Department of Revenue.

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 ten suggested comparable sales for the Board's consideration. The board of review also present an MLS listing sheet for the subject property.

With respect to the ten comparable sales, the Board has given less weight to the appellant's comparables #1, #3 and #5 due to their lack of a basement foundation and/or their less similar dwelling sizes when compared to the subject. The Board has given reduced weight to board of review comparable #3 as the MLS listing sheet disclosed it has a finished basement, unlike the subject.

The Board finds the best evidence of market value to be the parties' six remaining comparables, which are similar to the subject in location, dwelling size, design, age and some features. The comparables sold from March 2020 to July 2021 for prices ranging from \$239,350 to \$325,000 or from \$83.86 to \$118.10 per square foot of living area, including land. The subject's assessment reflects a market value of \$273,922 or \$100.15 per square foot of living area, including land, which falls within the range established by the best comparable sales in the record.

As to the board of review request to increase the subject's assessment based upon sales of like-kind and/or same model dwellings and the sales price of the same model home, identified by the board of review as its comparable #3, just two days before the lien date, the Property Tax Appeal Board finds the subject's current assessment reflects an estimated market value that falls within the range established by the best comparable sales in the record. Although the Lake County Board of Review has requested an increase in the subject's total assessment to \$93,324 which would raise the estimated market value of the subject to \$280,674 or \$102.62 per square foot of living area, including land, this would place the subject above four of the six best comparables in the record in terms of overall market and on a price per square foot basis. Moreover, the board of review's comparable #3 sold on December 30, 2021 for a price of \$280,000 and it has a finished basement, unlike the subject, suggesting the market value of this comparable would be

greater than the subject's market value. Additionally, the subject's listing supports the assessed value.

On this record, the Property Tax Appeal Board finds the subject is not overvalued and no reduction nor increase in the assessment of the subject property

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: June 27, 2023



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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