



## FINAL ADMINISTRATIVE DECISION ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Brian McGrath  
DOCKET NO.: 21-04087.001-R-1  
PARCEL NO.: 05-09-302-027

The parties of record before the Property Tax Appeal Board are Brian McGrath, the appellant, by attorney Ronald Kingsley of Lake County Real Estate Tax Appeal, LLC in Hawthorn Woods, 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:

<b>LAND:</b>	\$31,148
<b>IMPR.:</b>	\$69,509
<b>TOTAL:</b>	\$100,657

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 is improved with a one-story dwelling of wood siding exterior construction containing 1,119 square feet of living area. This dwelling was constructed in 1950. Features of the home include a crawl space foundation, two bedrooms and one bathroom. The property is also improved with a one-story “in-law house” with 1,120 square feet of living area that was built in 1940.<sup>1</sup> This dwelling unit has a crawl space foundation, one bathroom, and central air conditioning. The property has a site with approximately 11,949 square feet of land area located along a lake in Fox Lake, Grant Township, Lake County.

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 \$302,000

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<sup>1</sup> The Board has utilized the size of the second dwelling and features of the home as reported on the copy of the property record card submitted by the board of review.

as of January 1, 2021. The appraisal was prepared by R. Steven Kephart, a State of Illinois Certified Residential Real Estate Appraiser. The appraiser identified the client as the appellant, Brian J. McGrath. The intended use of the report is to determine the estimated cash value for a real estate tax appeal. The purpose of the appraisal was to estimate the fair cash value of the subject property which is defined in the report as the amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. The property rights appraised are the fee simple interest. The appraiser further indicated that with respect to the zoning the subject is a legal non-conforming (grandfather use). The highest and best use was as improved was the property's present use. In discussing the highest and best use of the property, the appraiser stated there is a second dwelling unit on the property which is not allowed under the current building code. He further stated that according to the City of Fox Lake Building and Zoning Department, the second dwelling unit is a grandfathered use and cannot be rebuilt if destroyed.

The appraiser further asserted the subject suffers from external obsolescence due to being located in flood zone "AE." He also noted the subject has suffered damage due to flooding and settling of the structure which caused tile floor cracking and ceiling drywall cracks. However, the subject has had ongoing repair and maintenance which accounts for the effective age to be less than the actual age of the dwelling.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using five comparable sales improved with ranch style or two-story style homes that range in size from 1,008 to 1,272 square feet of living area. The homes range in age from 65 to 124 years old. Three of the comparables have basements with one having a recreation room, four comparables have central air conditioning, each comparable has a one or two-car garage, and one comparable had a fireplace. The comparables are located from .82 to 1.35 miles from the subject property and have sites ranging in size from 5,942 to 16,871 square feet of land area. The sales occurred from June 2020 to October 2020 for prices ranging from \$220,000 to \$330,000 or from \$185.97 to \$265.06 per square foot of living area, including land. The appraiser adjusted the comparables for differences from the subject including adding \$40,000, \$45,000 or \$70,000 to adjust for the "in-law" house that was not present on the comparables. The adjusted prices ranged from \$278,800 to \$329,600. Based on this analysis the appraiser arrived at an estimated fair cash value of \$302,000 as of January 1, 2021.

The appellant also submitted a sales grid analysis for the main dwelling that included information on three comparable sales improved with one-story dwellings of frame construction that range in size from 996 to 1,094 square feet of living area. The homes were built in 1955 and 1963. Each comparable has one bathroom and a detached garage ranging in size from 440 to 528 square feet of building area. Two comparables have central air conditioning. These properties have sites ranging in size from 9,714 to 20,852 square feet of land area and are located from .97 to 1.65 miles from the subject property. The sales occurred in June and November 2020 for prices ranging from \$121,000 to \$210,000 or from \$116.35 to \$191.96 per square foot of living area, including land.

Based on this evidence the appellant requested the subject's total assessment be reduced to \$64,350.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$124,523. The subject's assessment reflects a market value of \$374,505 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. The subject's assessment reflects a unit value of \$334.68 per square foot of living area, including land, when using the size of the main house only or \$167.26 per square foot of combined living area, including land, when using the combined size of both dwelling units.

In support of its contention of the correct assessment the board of review submitted a grid analysis associated with the larger dwelling on the subject property. The board of review submitted information on three comparable sales improved with one-story or two-story dwellings of wood siding exterior construction that range in size from 959 to 1,586 square feet of living area. The homes were built from 1940 to 1965 with the newest home having an effective construction date of 1988. One comparable has a full basement, two comparables have central air conditioning, one comparable has one fireplace, each comparable has a detached garage ranging in size from 300 to 816 square feet of building area, and comparable #2 has an additional attached garage with 792 square feet of building area. These properties have sites ranging in size from 4,900 to 23,450 square feet of land area and are located from approximately .08 to .62 of a mile from the subject property. The sales occurred from June 2020 to October 2021 for prices ranging from \$320,000 to \$446,200 or from \$201.77 to \$443.17 per square foot of living area, including land.

The board of review also submitted evidence prepared by the township assessor that was submitted at the local board of review hearing. The assessor provided a grid analysis using a sale that occurred in 2018, two sales composed of properties with 4 and 3 rental units respectively, an equity comparable, and board of review comparable sale #3 as previously discussed.

### **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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The Board finds the appellant's appraiser analysis of the subject property was credible and he adequately discussed and addressed the second dwelling unit on the subject property. In developing the sales comparison approach the appraiser adjusted the comparables for differences from the subject property, which appeared reasonable, and added a lump sum value to represent the contributory value of the second, non-conforming, dwelling located on the subject property. The appellant and the board of review both submitted unadjusted sales and did not account for the second dwelling unit of the site; therefore, this evidence was given little weight. Little weight was given the evidence prepared by the township assessor that was submitted by the board of review due to the date of sale of comparable #1 not being proximate in time to the assessment date; comparables #3 and #4 were composed of rental units which differ from the

subject's use; and comparable #5 was an equity comparable that does not address the appellant's market value argument.

In conclusion, the subject's assessment reflects a market value of \$374,505 which is above appraised value of \$302,000 that was presented by the appellant. Therefore, based on the appellant's appraisal, the Board finds a reduction in the subject's assessment is 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.



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Chairman



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Member



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Member



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Member



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Member

DISSENTING:

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C E R T I F I C A T I O N

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:

February 20, 2024

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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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