



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

APPELLANT: Charlie Semenchuk
DOCKET NO.: 23-00145.001-R-1
PARCEL NO.: 09-02-401-009

The parties of record before the Property Tax Appeal Board are Charlie Semenchuk, 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 **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: \$22,722
IMPR.: \$106,995
TOTAL: \$129,717

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 2023 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 vinyl siding exterior construction with 3,112 square feet of living area.¹ The dwelling was constructed in 2014 and is approximately 9 years old. Features of the home include an unfinished basement, central air conditioning and a 638 square foot 3-car garage. The property has an approximately 10,607 square foot site and is located in Volo, Wauconda 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 \$343,000 as of January 1, 2023. The appraisal was prepared by Garry Nusinow, a Certified General Real Estate Appraiser. The intended use of the appraisal was to provide a basis for the appeal of the

¹ The Board finds the best description of the subject's dwelling size was found in the appraisal report which included a more detailed sketch with dimensions than that submitted by the board of review.

subject's ad valorem property tax assessment. The appraiser described the subject as being located in a Planned Unit Development (PUD) with common areas that include roads, walks, parks and recreation areas.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value selecting five comparable sales located from 0.23 to 0.47 of a mile from the subject property. The comparables have sites that range in size from 6,669 to 9,766 square feet of land area and are improved with 2-story² dwellings of frame and masonry exterior construction ranging in size from 2,854 to 3,674 square feet of living area. The homes range in age from 8 to 15 years old. Each comparable has a basement with two having finished area. Each dwelling has central air conditioning and either a 2-car or a 3-car garage. Three homes each have one fireplace. The comparables sold from June 2021 to December 2022 for prices ranging from \$332,500 to \$389,900 or from \$106.12 to \$126.31 per square foot of living area, land included.

After adjusting comparables #3, #4 and #5 for sales or financing concessions, the appraiser adjusted the comparables for differences from the subject arriving at adjusted sale prices of the comparables ranging from \$334,500 to \$355,900 and an opinion of market value for the subject of \$343,000. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the appraised value of the subject property.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$129,717. The subject's assessment reflects a market value of \$389,190 or \$125.06 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.³

In response to the appellant's appraisal evidence, the board of review, through the Wauconda Township Assessor, submitted written comments asserting the appraisal invoice is dated November 17, 2019 which raised a question as to whether the appraiser had previously appraised the subject property. The assessor noted appraisal comparable #1 was built in 2008 making it 15 years old and not 8 years old as reported in the appraisal, which was not refuted by the appellant. The board of review submitted a grid analysis of the five appraisal comparables which disclosed appraisal comparable #3 was located in a different subdivision than the subject's.

In support of its contention of the correct assessment the board of review submitted information on three comparables located within 0.38 of a mile from the subject property. The comparables have sites that range in size from 8,999 to 10,000 square feet of land area and are improved with 2-story dwellings of vinyl siding exterior construction ranging in size from 2,914 to 3,209 square feet of living area. The homes are either 9 or 16 years old. Each comparable has a basement with one having finished area. Each dwelling has central air conditioning and a garage ranging in size from 560 to 629 square feet of building area. One home has a fireplace. The

² The appraisal reports the subject and comparables to be "traditional" in design. Photographs included in the report depict each home to be a 2-story dwelling.

³ Procedural rule Sec. 1910.50(c)(1) provides that in all counties other than Cook, the three-year county wide assessment level as certified by the Department of Revenue will be considered. 86 Ill.Admin.Code Sec. 1910.50(c)(1). Prior to the drafting of this decision, the Department of Revenue has yet to publish figures for tax year 2023.

comparables sold from November 2021 to March 2023 for prices ranging from \$410,000 to \$457,000 or from \$127.77 to \$150.73 per square foot of living area, land included. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant submitted a brief including commentary, Multiple Listing Service (MLS) sheets and photographs for each of the board of review's comparable sales. The appellant argued the appraiser completed a detailed interior and exterior inspection of the subject property and adjusted comparable sales in accordance with the Uniform Standards of Professional Appraisal Practice in arriving at the final opinion of value for the subject property. In contrast, the board of review submitted unadjusted raw sales. The appellant critiqued the board of review comparables arguing each of these properties is advertised as having superior features, updates and/or amenities when compared to the subject.

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 appellant submitted an appraisal and board of review submitted three comparable sales for the Board's consideration. As to the appraisal comparables, the Board questions the selection of comparables #4 and #5 which sold in 2021 and comparables #3, #4 and #5 which have seller paid concessions, that are not "typical for this market" according to the appraisal. Furthermore, comparable #3 is not located in the same PUD as the subject property and comparable #1 was built in 2008 and is 15 years old which would result in an age adjustment. Based on the foregoing, the Board gives little weight to the opinion of value for the subject property as presented in the appellant's appraisal. The Board shall, however, consider raw sales data for appraisal comparables #1 and #2.

The Board gives less weight to board of review comparable #2 which sold in 2021, less proximate to the January 1, 2023 assessment date than other properties in the record. The Board gives less weight to board of review comparable #3 which, based on the MLS sheet and photographs submitted by the appellant, appears to have superior updating relative to the subject.

The Board finds the best evidence of market value to be appraisal comparables #1 and #2 along with board of review comparable #1 which sold proximate to the assessment date at issue and are similar to the subject in location, age, design, site size, dwelling size and other features. However, appraisal comparable #1 has a finished basement in contrast to the subject's unfinished basement, suggesting a downward adjustment is needed to make this property more equivalent to the subject. These best comparables sold in July and December 2022 for prices ranging from \$332,500 to \$425,000 or from \$113.21 to \$145.85 per square foot of living area, including land. The subject's assessment reflects a market value of \$389,190 or \$125.06 per square foot of living area, including land, which falls within the range established by the best comparable sales in the

record. After considering adjustments to the comparables for differences with 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: _____

August 20, 2024



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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