



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

APPELLANT: Peter Gold
DOCKET NO.: 23-00223.001-R-1
PARCEL NO.: 11-15-400-038

The parties of record before the Property Tax Appeal Board are Peter Gold, the appellant; 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:

LAND: \$68,779
IMPR.: \$81,213
TOTAL: \$149,992

Subject only to the State multiplier as applicable.

The parties appeared before the Property Tax Appeal Board on October 22, 2024 for a hearing at the Lake County Board of Review Offices in Waukegan pursuant to prior written notice dated October 3, 2024. Appearing on behalf of the appellant were the homeowners Mary Brandes and Peter Gold and appearing on behalf of the Lake County Board of Review was Jack Perry, Mass Appraisal Specialist for the Lake County Board of Review.

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 frame exterior construction with 2,728 square feet of living area that was constructed in 1985. Features of the home include an unfinished basement, central air conditioning, one fireplace and a 576 square foot garage. The property has an approximately 40,109 square foot site and is located in Libertyville, Libertyville Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted written comments, a Comparables Square Foot Building Value table and two grids with information on four comparable sales located within 0.80 of a mile from the subject property. The comparables have sites that range in size from 19,959 to 103,297 square feet of land area and are improved with 2-story dwellings of frame or brick and frame exterior construction ranging in size from 2,877 to 3,443 square feet of living area. The dwellings were built from 1955 to 1984 and have effective ages ranging from 1982 to 1989. Three comparables have an unfinished basement and one comparable lacks a basement foundation. Each dwelling has central air conditioning and a garage ranging in size from 511 to 1,908 square feet of building area. Three homes each have one fireplace. Comparable #4 also features a tennis court.¹ The properties sold from January 2020 to June 2023 for prices ranging from \$432,500 to \$550,000 or from \$132.15 to \$163.16 per square foot of living area, land included.

Ms. Brandes testified that all of the appellant comparables are located in areas that have a similar traffic influence as does the subject. Ms. Brandes explained that the subject's West Oak Spring Road is located between two busy streets and is used as a through street. This results in higher traffic counts with vehicles traveling at higher rates of speed directly in front of the subject property. The appellant asserted the comparables submitted were selected primarily based on a traffic influence similar to the subject. Ms. Brandes opined the subject's busy road location affects value. Based on this evidence, the appellant requested the subject's total assessment be reduced to \$149,992 which reflects a market value of \$450,021 or \$164.96 per square foot of living 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 \$189,295. The subject's assessment reflects a market value of \$567,942 or \$208.19 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.²

In support of its contention of the correct assessment the board of review submitted information on three comparable sales located within 0.59 of a mile from the subject property. The comparables have sites that range in size from 23,715 to 66,913 square feet of land area and are improved with 2-story dwellings of frame exterior construction ranging in size from 2,556 to 2,668 square feet of living area. The homes were built from 1967 or 1977. Each comparable has an unfinished basement, central air conditioning, one or three fireplaces and a garage ranging in size from 608 to 660 square feet of building area. The properties sold from October 2022 to July 2023 for prices ranging from \$635,000 to \$855,000 or from \$238.01 to \$321.79 per square foot of living area, land included. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In written rebuttal the appellant asserted neither the Libertyville Township Assessor nor Lake County Board of Review addressed the manner in which the appellant arrived at their assessment

¹ The appellant submitted a second grid of its comparable properties which disclosed comparable #4 to have a tennis court amenity.

² 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.

request, which is based on the per square foot improvement assessment of its comparable sales. The appellant raised an issue regarding inconsistent directions from Libertyville Township with respect to comparable sale selection criteria. The appellant asserted the township provided guidelines indicating only homes with the same style code as the subject that sold prior to the lien date at issue are acceptable. However, contrary to their own guidelines, Libertyville Township Assessor selected comparable properties that sold after the January 1, 2023 lien date and are a different style code than the subject. In support of this assertion, the appellant moved to submit a copy of the Libertyville Township Assessor's comparable sales grid, Exhibit 1, which was accepted into the record without objection from the board of review. The Board finds that three of these comparables are a different style than the subject property while two sold after January 1, 2023.

With respect to the board of review's comparable properties, the appellant argued comparable #1 is located on a cul-de-sac with no through traffic, and comparables #2 and #3 are located in a different neighborhood and that neither property has frontage on a busy street like the subject. Finally, the appellant noted board of review comparables #2 and #3 have a quality rating of "GD++" while the subject property has a quality rating of Good.

In response to the appellant's critiques, Mr. Perry asserted board of review comparable #3 is located adjacent to St. Mary's Road, a busy street. With respect to this assertion, the appellant countered that the property in question does not have frontage on a busy street like the subject. Mr. Perry also contended, without documentation, that appellant comparable #2 was sold in "as is" condition stating the information was found in its Multiple Listing Service sheet. The appellant objected to the board of review's unsupported contention, arguing the evidence to be hearsay. After reviewing the record evidence, the Board finds the appellant submitted two comparable grid analyses. In the second grid analysis the appellant's comparable #2 is shown as a qualified sale and not reported to be sold in "as is" condition. Therefore, the Board sustains the appellant's objection regarding the alleged condition of its comparable #2.

Under questioning by the hearing officer, Mr. Perry testified he did not dispute the appellant's description of traffic influences for either the subject or comparable properties. The appellant argued they looked at the PTAB website but were not sure they could submit different comparable sales than those selected using the township's criteria. As a result, the appellant submitted the same comparables for this PTAB appeal as were submitted at the board of review/township level.

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.

As an initial matter, the Board finds it problematic that the Libertyville Township Assessor advised and provided selection criteria for the appellant's comparable properties, which was not

refuted, and then proceeded to select its own comparable properties with a different set of criteria, which undermines the credibility of the assessor and board of review. The Board finds the Libertyville Township Assessor did not appear before this Board to testify in defense of its selected comparable sales and the subject's level of assessment. Furthermore, given the appellant's primary argument, that a high traffic influence negatively impacts the subject's market value, both the township and board of review failed to provide any comparable properties with a similar traffic influence to support the subject's assessment.

The parties submitted seven comparable sales for the Board's consideration. The Board gives little weight to each of the board of review comparables which have unrefuted superior residential locations when compared to the subject and where two are also located in a different neighborhood code than the subject property. The Board also gives less weight to appellant comparable #1 which lacks a basement foundation in contrast to the subject.

The Board finds the best evidence of market value to be appellant comparables #2, #3 and #4 which have an unrefuted similar traffic influence like the subject. These best comparables are also more similar to the subject in location, age/effective age, design and other features. However, these properties present varying degrees of similarity to the subject in site size, dwelling size, garage size and tennis court amenity, suggesting adjustments are needed to make these properties more equivalent to the subject. These best comparables sold from January 2020 to June 2023 for prices ranging from \$432,500 to \$550,000 or from \$132.15 to \$163.16 per square foot of living area, including land. The subject's assessment reflects a market value of \$567,942 or \$208.19 per square foot of living area, including land, which falls above the range established by the best comparable sales in this record. After considering appropriate adjustments to the best comparables for differences from the subject and their date of sale, the Board finds the subject's assessment is excessive and a reduction in the subject's assessment, commensurate with the request, is warranted.

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 19, 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

AGENCY

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