



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

APPELLANT: Brian Potesta
DOCKET NO.: 23-01055.001-R-1
PARCEL NO.: 11-20-404-023

The parties of record before the Property Tax Appeal Board are Brian Potesta, the appellant, by attorney Gregory Riggs, of Tax Appeals Lake County in Lake Zurich, 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: \$61,279
IMPR.: \$63,495
TOTAL: \$124,774

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 one-story dwelling of brick exterior construction with 1,528 square feet of living area. The dwelling was constructed in 1983. Features of the home include a basement, central air conditioning, a fireplace, and a 485 square foot garage. The property has a 10,418 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 information on five comparable sales improved with one-story dwellings of frame, brick or frame and brick exterior construction that range in size from 1,470 to 1,967 square feet of living area. The homes were constructed from 1960 to 1978 and have sites ranging in size from 8,626 to 12,000 square feet of land area. Each comparable has a basement, central air conditioning, one to three fireplaces, and a garage ranging in size from 336 to 490 square feet of building area. The comparables are located from 0.09 to 0.84 of a mile from the

subject property. The sales occurred from October 2021 to August 2023 for prices ranging from \$310,000 to \$500,000 or from \$204.44 to \$254.19 per square foot of living area, including land. The appellant requested the subject's assessment be reduced to \$124,774.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$144,256. The subject's assessment reflects a market value of \$432,811 or \$283.25 per square foot of living area, land included, when applying the statutory level of assessments of 33.33%.¹

In support of its contention of the correct assessment the board of review submitted information on two comparable sales improved with one-story dwellings of brick or frame and brick exterior construction that have 1,102 and 1,253 square feet of living area, respectively. The homes were constructed in 1955 and 1950 and each has a site with 8,754 and 8,935 square feet of land area. Each comparable has a full basement, central air conditioning, a fireplace, and a garage with 462 and 480 square feet of building area. The comparables are located 0.21 and 0.22 of a mile from the subject property. The sales occurred in January 2023 and October 2021 for \$315,000 and \$370,000 or \$285.84 and \$295.29 per square foot of living area, including land. The board of review requested confirmation of the subject's total assessment.

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 record contains a total of seven comparable sales for the Board's consideration. The Board gives less weight to the board of review's comparables due to differences from the subject property in terms of size and age. The comparables are from 28 to 33 years older than the subject and are from 18% to 28% smaller than the subject dwelling in terms of living area. Board of review comparable #2 also sold less proximate in time to the January 1, 2023, assessment date as other comparables in the record. The Board also gives less weight to the appellant's comparable #4 based on differences from the subject with respect to dwelling size, while the appellant's comparable #5 sold less proximate in time to the January 1, 2023, assessment date as other comparables in the record.

The Board finds the best evidence of market value to be the remaining comparable sales, which are improved with dwellings that are relatively similar to the subject in style of construction, size, location and features, although adjustments to these comparables to account for differences in age, would be needed to make them more equivalent to the subject. These most similar

¹ Section 1910.50(c)(1) of the Board's procedural rules 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 Section 1910.50(c)(1). As of the development of this Final Administrative Decision, the Department of Revenue has not published figures for the tax year 2023.

comparables were constructed from 1960 to 1978, range in size from 1,625 to 1,748 square feet of living area and were sold from April 2022 to August 2023 for prices ranging from \$350,000 to \$419,000 or from \$204.44 to \$239.70 per square foot of living area, including land. The subject's assessment reflects a market value of \$432,811 or \$283.25 per square foot of living area, land included, which falls above the range established by the best comparable sales. Based on this evidence and after considering appropriate adjustments, the Board finds a reduction in the subject's assessment commensurate with the appellant's request 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.



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: _____

October 15, 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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