



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

APPELLANT: Rakesh Rustagi
DOCKET NO.: 23-02275.001-R-1
PARCEL NO.: 07-18-304-016

The parties of record before the Property Tax Appeal Board are Rakesh Rustagi, 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 **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: \$27,072
IMPR.: \$140,466
TOTAL: \$167,538

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 wood siding exterior construction with 3,162 square feet of living area. The dwelling was built in 1994 and is approximately 29 years old. Features of the home include a basement with finished area, central air conditioning, one fireplace, 3.5 bathrooms, and a garage with 766 square feet of building area. The property has an approximately 12,632 square foot site and is located in Gurnee, Warren 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 located within the subject's assessment neighborhood code and within 0.61 of a mile from the subject. The comparables are improved with 2-story dwellings of wood siding exterior construction ranging in size from 2,926 to 3,142 square feet of living area. The homes were built from 1995 to 1997. The comparables each have a basement, two of which have finished area. Each comparable has central air conditioning, one fireplace, from 2.5 to 5.0 bathrooms, and a garage that ranges in size from 483 to 766 square feet

of building area. The comparables sold from January 2021 to November 2022 for prices ranging from \$385,000 to \$465,000 or from \$130.38 to \$147.99 per square foot of living area, land included. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$140,253, which reflects a market value of \$420,801 or \$133.08 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 \$167,538. The subject's assessment reflects a market value of \$502,664 or \$158.97 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.¹

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales located within the subject's assessment neighborhood and within 0.38 of a mile from the subject. The comparables are improved with 2-story dwellings of wood siding exterior construction ranging in size from 2,940 to 3,140 square feet of living area. The homes are either 25 or 26 years old. Each comparable has a basement with finished area, central air conditioning, one fireplace, from 3.5 to 5.0 bathrooms, and a garage with either 483 or 766 square feet of building area. The comparables sold from April to August 2022 for prices ranging from \$562,000 to \$597,000 or from \$179.15 to \$192.18 per square foot of living area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant critiqued the board of review comparables for age, bathroom count, and sale date. The appellant also argued that the impact of COVID-19 should be considered on the housing market and that there was no market in Gurnee, IL which reflects the 22.13% increase of the subject from the previous year. The appellant hopes for a favorable decision based on this evidence.

Conclusion of Law

As a preliminary matter, the appellant requests that the PTAB grant it relief based in part on the COVID-19 pandemic. The PTAB distinguishes between a request for relief just because the pandemic occurred ("COVID Relief") and a request based on the pandemic's effect on market conditions or the income-producing capacity of a given property. The former would only require the appellant to show that the pandemic occurred – not that the pandemic affected or contributed to changes in the relevant market or other factors related to the property's assessment. The latter would require the appellant to meet its burden to provide substantive evidence or legal argument sufficient to challenge the property's assessment.

As an administrative agency, the Property Tax Appeal Board only has the authority that the General Assembly confers on it by statute. Spiel v. Property Tax Appeal Bd., 309 Ill. App. 3d 373, 378 (2d Dist. 1999). Consequently, to the extent that the PTAB acts outside its statutory

¹ 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 not published figures for tax year 2023.

authority, it acts without jurisdiction. See Bd. of Educ. of City of Chicago v. Bd. of Trustees of Pub. Sch. Teachers' Pension & Ret. Fund of Chicago, 395 Ill. App. 3d 735, 739–40 (1st Dist. 2009). The Board has no statutory authority to reduce assessments solely because the pandemic occurred (i.e., to grant “COVID Relief”). However, if an appellant presents evidence demonstrating the pandemic resulted in or contributed to a reduction in the subject property’s value, that may serve as the basis for a reduction. But the appellant is not entitled to a reduction just because the pandemic occurred.

The appellant failed to present reliable evidence to support the argument that COVID-19 affected the value of the subject. Consequently, it is impossible to conclude the subject property was not uniformly assessed due to COVID-19 or its market value adversely affected to any extent. The Board finds the appellant’s request for an assessment reduction based on a purported market effect of COVID-19 is without merit.

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 parties submitted a total of eight comparable sales to support their respective positions before the Property Tax Appeal Board. The Board gives less weight to the appellant’s comparables #1, #3, and #4 which sold in 2021, less proximate in time to the subject’s January 1, 2023 assessment date at issue than the other comparables in this record and which are less likely to reflect the market conditions on the subject’s assessment date under appeal. The Board also gives less weight to the appellant’s comparables #2 and #5 which lack finished basement area, which is a feature of the subject.

The Board finds the best evidence of market value to be the board of review comparables which have finished basement area, like the subject, as well as selling proximate in time to the subject’s lien date and likely to better reflect the market conditions in the subject’s market area. These comparables are similar to the subject in location, design/story height, age, dwelling size, and most features. However, these comparables would require downward adjustments for differences in their slightly newer ages and upward adjustments for their slight differences in dwelling size when compared to the subject. Additionally, downward adjustments would be required to these best comparables for their following superior differences when compared to the subject: one comparable has a larger basement and finished area and two comparables have a larger bathroom count. Conversely, upward adjustments would be required to these best comparables for their following inferior differences when compared to the subject: two comparables have less finished basement area and one comparable has a significantly smaller garage. The various, aforementioned adjustments required for these comparables are needed to make them more equivalent to the subject, in addition to any other adjustments that may be deemed necessary. Nevertheless, the three properties sold from April to August 2022 for prices ranging from \$562,000 to \$597,000 or from \$179.15 to \$192.18 per square foot of living area, land included. The subject's assessment reflects a market value of \$502,664 or \$158.97 per square foot of living area, land included, which falls below the range established by the best sales in this record which were provided by the board of review. Based on the evidence in this record

and after consideration of adjustments to the best comparables for differences from the subject, the Board finds a reduction in the subject's assessment is not justified based on overvaluation.

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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