



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

APPELLANT: Mark Garberding  
DOCKET NO.: 23-02565.001-R-1  
PARCEL NO.: 02-05-401-002

The parties of record before the Property Tax Appeal Board are Mark Garberding, 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:** \$6,588  
**IMPR.:** \$80,731  
**TOTAL:** \$87,319

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 split-level<sup>1</sup> dwelling of wood siding exterior construction with 1,080 square feet of living area. The dwelling was constructed in 1998 and is approximately 25 years old. Features of the home include a lower level with finished area, central air conditioning, a fireplace, 1 bathroom, a 280 square foot enclosed porch and a 552 square foot garage. The property has an approximately 11,474 square foot site and is located in Antioch, Antioch Township, Lake County.

The appellant submitted evidence before the Property Tax Appeal Board claiming both assessment inequity with respect to the improvement and overvaluation as the bases of the appeal. The appellant requested a reduction of the improvement assessment. In support of these claims, the appellant submitted a grid analysis of six comparables that have the same assessment

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<sup>1</sup> The Board finds the best description of the subject is found in the property record card provided by the board of review, which depicts the dwelling as a split-level design that has a 280 square foot enclosed porch.

neighborhood code as the subject and are located within .66 of a mile from the subject property. The comparables have sites that range in size from 8,090 to 10,830 square feet of land area. The appellant reported the comparables are improved with 1.5-story dwellings of wood siding exterior construction ranging in size from 984 to 1,116. The dwellings are from 25 to 29 years old. The appellant reported the comparables each have a basement, central air conditioning, 2 bathrooms and a garage ranging in size from 400 to 552 square feet of building area. Two comparables each have a fireplace. The comparables have improvement assessments ranging from \$67,058 to \$76,747 or from \$66.38 to \$70.47 per square foot of living area. The appellant's comparables sold from May 1996 to June 2022 for prices ranging from \$25,000 to \$240,000 or from \$22.96 to \$217.39 per square foot of living area including land.

The appellant contended that the chosen comparables are all tri-levels, built within 4 years of one another and similar in dwelling size with half of the comparables having a fireplace. The appellant argued the key differences between the comparables and the subject are that all the comparables have 2 bathrooms, while the subject has 1 bathroom. The subject's lot size is slightly larger than the comparables and the subject has an enclosed porch. The appellant requested the subject's assessment be reduced to reflect the mean value of the comparables, which results in a cost per square foot value of \$204.25, resulting in a market value of \$220,585 or an assessed value of approximately \$73,528.

Based on this evidence, the appellant requested a reduction in the subject's improvement assessment of \$73,528 or \$68.08 per square foot of living area and a total reduced assessment of \$80,116, which reflects a market value of \$240,372 or \$222.57 per square foot of living area, land included, when using 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 \$87,319. The subject's assessment reflects a market value of \$261,983 or \$242.58 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.<sup>2</sup> The subject has an improvement assessment of \$80,731 or \$74.75 per square foot of living area.

In response to the appeal, the board of review submitted a letter prepared by Lee D. Perry, Antioch Township Assessor. The assessor contended the subject's finished lower level, which was not reported in the appellant's grid analysis added \$24,404 market value and the subject's 280 square foot enclosed frame porch added \$18,091 market value. The assessor asserted that if the subject did not have these two features, the subject's fair cash value would have been \$219,488 or \$203.23 per square foot of living area, including land. The assessor also asserted the lower level added \$8,134 assessed value and the enclosed frame porch added \$6,030 assessed value to the subject's improvement assessment. If the subject did not have these features the subject's improvement assessment would have been \$66,567 or \$61.64 per square foot of living area.

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<sup>2</sup> 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.

With respect to the appellant's comparable sales, the assessor argued that the appellant's comparable sale #1 is a dated quit claim transfer. There was no market exposure and the transfer was between related parties due to a divorce as depicted in the enclosed real estate transfer declaration (PTAX-203). The assessor also noted that the appellant's comparables #2 through #6 each lack an enclosed porch and/or a fireplace.

With respect to the appellant's equity argument, the assessor noted that the six comparables each lack an enclosed frame porch and/or a fireplace, both features of the subject. The assessor stated these differences make the appellant's comparables inferior to the subject.

In support of its contention of the correct assessment the board of review, through the township assessor, submitted information on nine comparable properties that have the same assessment neighborhood code as the subject and are located within .67 of a mile from the subject property. The comparables have sites that range in size from 7,884 to 11,243 square feet of land area. The comparables are improved with split-level dwellings of wood siding or vinyl siding exterior construction ranging in size from 775 to 1,131 square feet of living area. The dwellings are from 23 to 61 years old. The board of review reported the comparables each have a basement with finished area.<sup>3</sup> Each comparable central air conditioning, 1½, 2 or 2½ bathrooms and a garage ranging in size from 300 to 624 square feet of building area. Three comparables each have a fireplace. The comparables have improvement assessments ranging from \$60,932 to \$87,418 or from \$71.47 to \$81.32 per square foot of living area. The board of review comparables #1 through #5 sold from May 2022 to March 2023 for prices ranging from \$230,000 to \$267,000 or from \$230.50 to \$316.77 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant stated the subject's enclosed porch is 280 square feet and the partial basement of 648 square feet is partially finished at builder grade, so it was overlooked in the initial appeal. However, the appellant contended that this was overlooked on all the appellant's comparables in the initial appeal, which have basement finishes ranging from 570 to 675 square feet. With respect to the board of review comparables, the appellant argued that comparable #1 sold in March 2023, after the assessment period in question and the home had previously sold in October 2022 for \$163,000, after which it was completely remodeled. The appellant also critiqued the board of review comparables stating differences between the comparables and the subject, including that each dwelling has extra bathrooms and/or bedrooms, when compared to the subject, among other differences. The appellant is not disputing the market value of the enclosed porch. However, the value of the additional bathrooms should be offset by the value of the enclosed porch. The appellant cited two websites that contained information regarding the cost and/or value added with respect to an additional bathroom.

### **Conclusion of Law**

The appellant contends, in part, assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments

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<sup>3</sup> The board of review grid analysis did not depict comparables #8 and #9 with basements but did indicate they had finished basement area.

must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof.

The record contains fifteen assessment comparables for the Board's consideration. The Board has given less weight to board of review comparables #1, #3, #5 and #6, which differ from the subject in age and/or dwelling size. The appellant's comparables, along with board of review comparables #2, #4, #7, #8 and #9 are similar to the subject in location, dwelling size and age. However, the Board finds these ten comparables have a greater number of bathrooms, suggesting downward adjustments would be required to make them more equivalent to the subject. Conversely, these ten comparables lack an enclosed porch and six of the ten comparables lack a fireplace, both features of the subject, suggesting upward adjustments would be required for these features. Nevertheless, the comparables have improvement assessments ranging from \$67,058 to \$87,418 or from \$66.38 to \$77.50 per square foot of living area. The subject property has an improvement assessment of \$80,731 or \$74.75 per square foot of living area, which falls within the range of the best comparables in this record. After considering adjustments to the best comparables for differences when compared to the subject, the Board finds the subject's improvement assessment is supported. Therefore, a reduction in the subject's improvement assessment is not warranted.

Based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment, based on assessment uniformity, is not justified.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that the properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which exists on the basis of the evidence.

The appellant also contends the market value of the subject property is not accurately reflected in its assessed valuation as an alternative basis of the appeal. 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.

The record contains eleven comparable sales for the Board's consideration. The Board has given less weight to the appellant's comparables #1, #3, #4, #5 and #6 which sold less proximate in time to the January 1, 2023, assessment date at issue than the other sales in the record. Additionally, the appellant's comparable sale #1 was a transfer between related parties and was not advertised for sale. The Board has given reduced weight to board of review comparables #1, #3 and #5 which differ from the subject in age and/or dwelling size. The Board finds the

appellant's comparable #2, along with board of review comparables #2 and #4 sold more proximate to the assessment date at issue and are similar to the subject in location, dwelling size and age. However, the Board finds these three comparables have a greater number of bathrooms, when compared to the subject, suggesting downward adjustments would be required to make the comparables more equivalent to the subject. Conversely, these comparables each have a smaller site size, lack an enclosed porch and two of the three comparables lack a fireplace, suggesting upward adjustments would be required to make these comparables more equivalent to the subject. Nevertheless, these three properties sold from May to October 2022 for prices ranging from \$240,000 to \$260,000 or from \$217.39 to \$252.55 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$261,983 or \$242.58 per square foot of living area including land, which falls somewhat above the range of the best comparable sales in the record in terms of overall value but within the range on a price per square foot basis. After considering adjustments to the best comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. Therefore, no reduction in the subject's assessment is 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: \_\_\_\_\_

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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