

**PROPERTY TAX APPEAL BOARD'S DECISION**

APPELLANT: Jeffrey and Aimee Boncosky  
DOCKET NO.: 06-01816.001-R-1  
PARCEL NO.: 14-04-406-015

The parties of record before the Property Tax Appeal Board are Jeffrey and Aimee Boncosky, the appellants, and the Lake County Board of Review.

The subject property is a two-story, frame and masonry dwelling containing 3,299 square feet of living area that was built in 1988. Features include central air conditioning, two fireplaces, a partial unfinished basement, and a three-car garage of 1,066 square feet of building area. The subject property is located in Hawthorn Woods, Ela Township, Lake County, Illinois.

The appellants filed an appeal disputing the subject's improvement assessment by making a legal contention along with uniformity and overvaluation arguments. Appellants assert that this is an owner-occupied residence which was the subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number 05-00964.001-R-1 wherein the parties stipulated to a reduced assessment of \$178,315 for the subject property.

In support of the inequity and overvaluation arguments regarding the improvement assessment, appellants submitted a grid analysis of three suggested comparable properties located within .17 mile of the subject and in the same subdivision. The comparables are described as two-story, frame or frame and masonry dwellings built in 1987 or 1988. The comparables feature central air conditioning, one or two fireplaces, a basement with finished areas ranging from 930 to 1,999 square feet of building area, and a garage ranging in size from 720 to 945 square feet of building area. These dwellings range in size from 2,544 to 3,586 square feet of living area and have improvement assessments ranging from \$97,957 to \$126,619 or from \$34.65 to \$38.51 per square foot of living area. The subject has an improvement assessment of \$135,907 or \$41.20 per square foot of living area. Appellants also provided data contending the subject's improvement assessment increased on a square foot basis from 2005 to 2006 as

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Based on the facts and exhibits presented, 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:	\$	51,002
IMPR.:	\$	135,907
TOTAL:	\$	186,909

Subject only to the State multiplier as applicable.

compared to the comparable properties whose improvement assessments decreased from 2005 to 2006 on a per square foot basis.

In support of the appellants' overvaluation argument, appellants reported that each of the suggested comparable properties sold between January 2005 and July 2005 for prices ranging from \$480,000 to \$563,790 or from \$157.22 to \$188.68 per square foot of living area, including land. The subject's 2006 total assessment was reported to be \$186,909 which based on the 2006 three-year median level of assessments for Lake County of 33.23% results in an estimated market value for the subject of \$562,471 or \$170.50 per square foot of living area, including land.

Based on the foregoing evidence, the appellants requested a reduction in the subject's improvement assessment to \$123,910 or \$37.56 per square foot of living area.

The board of review filed its "Board of Review Notes on Appeal" where the subject's 2006 assessment of \$186,909 was disclosed. The board of review further acknowledged the decision of the property Tax Appeal Board rendered in Docket Number 05-00964.001-R-1 wherein the land assessment was found to be \$48,348 and the improvement assessment was found to be \$129,967.

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, **subject to equalization**, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. [Emphasis added.]

The board of review also reported that the 2006 equalization factor applied to properties in Ela Township was 1.0645. The board of review concludes that applying the Ela Township equalization factor to the Property Tax Appeal Board's decision in Docket Number 05-00964.001-R-1 of a total assessment of \$178,315 would result in an increase in the property's 2006 assessment to \$189,816. Recognizing that application of the provisions of Section 16-185 of the Property Tax Code would result in an increase in the subject's 2006 assessment, the board of review requests confirmation of the subject's 2006 assessment of \$186,909.

In response to the appellants' claim, the board of review reiterated the appellants' three suggested comparables with a couple of modifications in the descriptions, but no changes in the improvement assessment per square foot nor in the sale price data per square foot of living area, including land, as provided by the appellants. Based on the board of review's analysis of the appellants' suggested comparables, the board of review contended that the subject's 2006 assessment was correct.

In further support of the subject's assessment, the board of review presented two grid analyzes. To demonstrate uniformity of assessment on an equity basis, the board of review presented three suggested comparable properties described as two-story masonry, frame and masonry, or frame constructed dwellings built in 1987 and 1989. Features of the dwellings include central air conditioning, one or two fireplaces, basements ranging in size from 1,442 to 1,939 square feet of building area, one of which has finished area of 1,384 square feet, and garages ranging in size from 673 to 1,408 square feet of building area. These dwellings range in size from 3,102 to 3,468 square feet of building area and have improvement assessments ranging from \$125,220 to \$144,735 or from \$40.28 to \$41.73 per square foot of living area.

To demonstrate that the subject was not overvalued based on its assessment, the board of review presented a second grid analysis of three comparables of which comparables #1 and #2 were the same properties presented by the appellants as comparables #1 and #2. Thus, board of review comparable #3 is described as a two-story frame dwelling built in 1996. Features of the dwelling include central air conditioning, one fireplace, a basement of 1,810 square feet of building area, and a 638 square foot garage. These three properties presented by the board of review sold in June 2005 and July 2005 for prices ranging from \$480,000 to \$678,000 or from \$157.22 to \$216.61 per square foot of living area, including land.

Based on the foregoing evidence, the board of review requested confirmation of the subject's 2006 assessment.

In a written rebuttal, the appellants reiterated that the comparables they presented establish a lack of uniformity in assessment. As to the board of review's grid analyzing market value, the appellants note board of review comparable #3 is substantially newer than the subject and appellants further asserted the exterior construction of this property is masonry and frame, not all frame as described by the board of review, although they provided no photograph or other documentary evidence to substantiate this assertion. Lastly, appellants analyzed the application of the Ela Township equalization factor of 1.0645 to the 2005 final assessments of their three comparables and determined that in each case, the final 2006 assessment of the properties was less than the 2005 assessment plus the purported equalization factor. Based on this analysis,

the appellants reiterated that the 2006 assessment of the subject property should be reduced.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds that no change in the subject's 2006 assessment should be made.

Initially the Property Tax Appeal Board finds that 2005 was the first year of a general assessment cycle in Ela Township. As such, the provisions of Section 16-185 of the Property Tax Code apply and the subject's "reduced assessment, subject to equalization, **shall** remain in effect" for the remainder of the general assessment cycle. However, the Property Tax Appeal Board further finds that carrying forward the prior year's 2005 decision subject to the equalization factor of 1.0645 applied in Ela Township would result in an increase in the subject's 2006 assessment. Based on the evidence submitted, the board of review requested that the subject's 2006 assessment remain unchanged. The appellants contended that the 2006 assessment was not uniform and that the subject property was also overvalued. The Board will analyze the arguments made by the appellants.

When taxpayers object to an assessment on the basis of lack of uniformity, they bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill. 2d 1 (1989). After an analysis of the assessment data, the Board finds the appellants have not met this burden.

As to the equity argument, the parties submitted a total of six comparables for the board's consideration. The Board has given less weight to appellants' comparable #2 due to its smaller size than the subject property. The Board has also given less weight to board of review comparable #1 due to its all masonry exterior construction which differs from the subject's frame and masonry construction. The Board finds the remaining four comparables submitted by both parties are the most similar comparables on this record to the subject property in size, design, exterior construction, location and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from \$34.65 to \$41.73 per square foot of living area. The subject's improvement assessment of \$41.20 per square foot of living area is within this range. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is equitable and a reduction in the subject's assessment is not warranted on grounds of lack of uniformity in assessment.

The appellants further attempted to demonstrate the subject's assessment was inequitable because of the percentage increases in

its assessment from 2005 to 2006 as compared to the comparable properties. The Board finds this type of analysis is not an accurate measurement or a persuasive indicator to demonstrate assessment inequity by clear and convincing evidence. The Board finds rising or falling assessments from year to year on a percentage basis do not indicate whether a particular property is inequitably assessed. The assessment methodology and actual assessments together with their salient characteristics of properties must be compared and analyzed to determine whether uniformity of assessments exists. The Board finds assessors and boards of review are required by the Property Tax Code to revise and correct real property assessments, annually if necessary, that reflect fair market value, maintain uniformity of assessments, and are fair and just. This may result in many properties having increased or decreased assessments from year to year of varying amounts and percentage rates depending on prevailing market conditions and prior year's assessments.

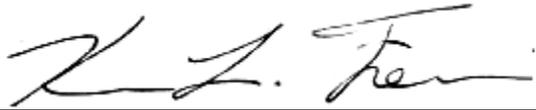
The appellants also contended the market value of the subject property was not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3<sup>rd</sup> Dist. 2002). The Board finds the appellants have not met this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted four comparable properties for the Board's consideration based on market value. The appellants submitted information on three comparables sales that were similar to the subject and the board of review reiterated two of those sales and added a third property for consideration. The Board has given reduced weight to board of review market value comparable #3 due to its newer age in comparison to the subject property. Thus, the Board finds that that appellants' three market value comparables presented in this matter are the most similar to the subject property. These comparables had sale prices ranging from \$480,000 to \$563,790 or from \$157.22 to \$188.68 per square foot of living area, including land. The subject's 2006 assessment reflects a market value of approximately \$562,471 or \$170.50 per square foot of living area, including land, using the 2006 three-year median level of assessments for Lake County of 33.23%. The subject's assessment reflects a market value which falls within the range of the most comparable properties on this record. Thus, the Board finds this evidence demonstrates the subject's assessment is not excessive in relation to its market value and a reduction in the subject's assessment is not warranted on the basis of overvaluation.

In summary, the Property Tax Appeal Board finds that the subject's 2006 assessment should not be changed.

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.

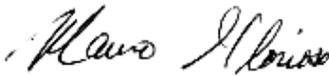
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Chairman



Member



Member



Member



Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

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: May 27, 2009



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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 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 the subsequent year 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.

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.