



**Final Administrative Decision of the
State of Illinois
PROPERTY TAX APPEAL BOARD**

APPELLANT: Dean Thomas
DOCKET NO.: 06-02976.001-R-1
PARCEL NO.: 06-27-413-022

The parties of record before the Property Tax Appeal Board are Dean Thomas, the appellant, and the Lake County Board of Review.

Based on the facts and exhibits presented, 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: \$35,066
IMPR.: \$18,983
TOTAL: \$54,049**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 13,566 square foot lakefront parcel improved with a one-story frame dwelling, built in 1921, that contains 528 square feet of living area. The subject is located on Gray's Lake, Avon Township, Lake County.

The appellant appeared before the Property Tax Appeal Board claiming a contention of law as the basis of the appeal. Prior to the hearing, the appellant attempted to add parcel 06-27-413-023 to this instant appeal by a letter dated March 3, 2009. The Property Tax Appeal Board denied the appellant's request because he had failed to timely submit an appeal petition, the 2006 board of review decision and evidence challenging the assessment of the second parcel. Therefore, the Board finds it has no jurisdiction regarding parcel 06-27-413-023 pursuant to Section 16-160 of the Property Tax Code (35 ILCS 200/16-160).

In support of the contention of law argument, the appellant submitted a letter and supporting documents that claim the subject dwelling was used as a demonstration home sales office associated with construction of a new home on the same parcel,

pursuant to Section 10-25 of the Property Tax Code (35 ILCS 200/10-25). The appellant did not report when the construction of the new home was completed. The appellant's evidence included an application for a demonstration home assessment for the 2006 assessment year that indicated the new single family dwelling was constructed after December 29, 1986. The appellant's evidence further claimed the 1921 dwelling "became the office to further the sale activity for the new improvement under construction and display the approved permit drawings to prospective buyers."

Additionally, the appellant contends he was not supplied sufficient evidence by the board of review and the Avon Township assessor that he had requested regarding sales ratio data used to compute 2001 assessments in the subject's neighborhood. Based on this evidence, the appellant requested the subject's land assessment be reduced to \$0, its improvement assessment be reduced to \$0 and thus its total assessment be reduced to \$0.

During the hearing, and shortly after its commencement, the appellant departed the hearing after a dispute arose as to the admissibility of certain evidence.

The board of review submitted its "Board of Review Notes on Appeal", wherein the subject property's total assessment of \$54,049 was disclosed. In support of the subject's assessment, the board of review submitted a letter detailing the controversy surrounding the model home exemption for the subject dwelling, photographs of the dwelling and three comparables to support the subject's land and improvement assessments.

Regarding the land assessment issue, the board of review's comparables range in size from 5,900 to 8,500 square feet of land area and have land assessments ranging from \$26,778 to \$36,207 or \$3.38 per square foot of land area. The subject has a land assessment of \$39,781 or \$2.93 per square foot.

In support of the subject's improvement assessment regarding the 1921-era frame dwelling, the board of review submitted improvement data on the same three comparables used to support the subject's land assessment. The comparables consist of two, one-story frame dwellings and one, 1.5-story frame dwelling that range in age from 37 to 88 years and range in size from 726 to 898 square feet of living area. All three comparables have central air conditioning, two have full unfinished basements, two have garages that contain 288 or 380 square feet of building area and one has a fireplace. These properties have improvement assessments ranging from \$26,778 to \$36,207 or from \$29.82 to \$44.91 per square foot of living area. The subject has an improvement assessment of \$17,922 or \$33.94 per square foot of living area.

The board of review's letter disclosed that the 1921 dwelling on the subject parcel "was torn down in the summer of 2007 as construction was completed on a new, custom 2-story home on the same parcel. The improvement portion of the assessment for tax

year 2006 based on the property characteristics of the original 1921 home and (sic) did not include the new home under construction. The subject property was incorrectly given a model home exemption for the improvement portion of the assessment in 2006. The error was discovered and was corrected and treated as an omitted assessment during the board of review hearings for tax year 2007."

The board of review's letter stated the subject property had been the subject of an appeal before the Property Tax Appeal Board for the 2005 assessment year under Docket Nos. 05-00380.001-R-1 and 05-00380.002-R-1 (two parcels). In its decision regarding that appeal, the Board reduced the subject parcel's assessment to \$50,565. The board of review agreed to reduce the subject's 2006 assessment to reflect the subject's 2005 assessment of \$50,565 per the Property Tax Appeal Board's decision, plus application of the Avon Township 2006 equalization factor of 1.0689, resulting in a proposed 2006 assessment of \$54,049.

In response to the appellant's contention that the 1921 dwelling should be considered as an "office to further the sale activity for the new improvement under construction and display the approved permit drawings to prospective buyers(.)", the board of review included a copy of Section 10-25 of the Property Tax Code, which states in part:

If the construction of a single family dwelling is completed after December 29, 1986 or the construction of a single family townhome or condominium unit is completed after the effective date of this amendatory Act of 1994, and that dwelling, townhome, or condominium unit is not occupied as a dwelling but is used as a display or demonstration model home, townhome or condominium unit for prospective buyers of the dwelling or of similar homes, townhomes, or condominium units to be built on other property, the assessed value of the property on which the dwelling, townhome, or condominium was constructed shall be the same as the assessed value of the property prior to construction and prior to any change in the zoning classification of the property prior to construction of the dwelling, townhome or condominium unit. (35 ILCS 200/10-25)

The board of review contends that, based on this statutory language, the 1921-built, 528 square foot subject dwelling does not qualify for the exemption because it was constructed long before December 29, 1986. Based on this evidence, the board of review requested the subject's assessment be revised to incorporate the 2005 Property Tax Appeal Board decision, plus application of the Avon Township equalization factor of 1.0689, as the board of review had proposed.

During the hearing, the board of review's representative testified excavation for the new home on the subject parcel occurred in December 2005 and framing of the dwelling took place

in June 2006. The board of review called Avon Township deputy assessor Mike Dishman to testify. The witness testified a model home exemption has no bearing on the new custom home on the subject parcel because this home was not assessed at all for 2006 and that the improvement assessment pertains only to the 1921 dwelling. As to the appellant's contention this older home was used as a sales office during construction of the new home, Dishman testified he had visited the subject site and inspected the older home. He found it to be in poor condition, the ground around it was muddy, fenced off and littered with construction debris. He observed there was no parking area or any public access to the older home and that it was not being used as a sales office. The witness also testified he had entered the new home while it was under construction.

After hearing the testimony and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. Based on this record the Board finds a reduction in the subject's 2006 assessment is warranted.

The Board first finds the appellant submitted no evidence to support a reduction in the subject's land assessment to \$0. In support of the subject's land assessment, the board of review submitted three land comparables located in the same assessor's assigned neighborhood code as the subject that support the subject's land assessment.

The Board also finds the appellant claimed the 528 square foot, 1921 subject dwelling should be exempt from property taxation because it was used as a sales office during construction of the new dwelling on the subject parcel. The new dwelling was not assessed at all for 2006. The Board finds Section 10-25 of the Property Tax Code requires that for a home to meet the statutory requirement, it must be a single family dwelling "completed after December 29, 1986." Furthermore, the dwelling must be used as a display home for potential buyers of the dwelling itself or similar homes. The clear language of this statute indicates the 1921 subject dwelling does not qualify for this exemption based on its age and due to the fact it was not used as a model for potential buyers of the dwelling itself or similar homes.

However, the record includes an offer by the board of review to reduce the subject's 2006 assessment to reflect the Property Tax Appeal Board's decision under Docket Nos. 05-00380.001-R-1 and 05-00380.002-R-1, plus application of the 2006 Avon Township equalization factor of 1.0689. The Board finds this offer is appropriate and, therefore, a reduction in the subject's assessment 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.



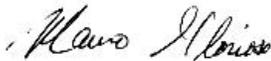
Chairman



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: September 28, 2009



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.