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

APPELLANT: Cheryl Cirillo
DOCKET NO.: 08-01269.001-R-1
PARCEL NO.: 11-14-401-006

The parties of record before the Property Tax Appeal Board are Cheryl Cirillo, the appellant; and the Lake County Board of Review.

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:** | $88,414 |
| **IMPR.:** | $132,513 |
| **TOTAL:** | $220,927 |

Subject only to the State multiplier as applicable.

## ANALYSIS

The subject property consists of an 80,697 square foot parcel improved with a 4,008 square foot single family brick and frame two-story residence constructed in 1979. Features of the home include a partial, partially finished basement, central air-conditioning, two fireplaces and a three-car attached garage.

The appellant, through her spouse, appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property with an effective date of January 24, 2009. The appraiser used the cost and sales comparison approaches in estimating a value for the subject of $515,000. The appraiser determined the subject contained 4,067 square feet of living area. A floor plan sketch with measurements was provided within the appraisal.

In the cost approach, the appraiser determined a land value of approximately $150,000 based on the extraction method using a 25% land to value ratio. The appraiser estimated a reproduction cost

new for the improvements at $489,634. Depreciation of $76,204 was subtracted from this figure, leaving a depreciated value of the improvements of $413,430, to which site improvements of $15,000 were added. Incorporating the land value resulted in an indicated value by the cost approach of $578,400.

In the sales comparison approach, the appraiser examined three comparable sales and one property listed for sale. The comparables consist of one-story or two-story style brick or brick and frame dwellings that ranged in age from 10 to 68 years old and ranged in size from 3,350 to 4,150 square feet of living area. Features of the comparables include central air-conditioning, at least one fireplace, two or three-car garages and partial or full, finished basements. Three of the comparables sold from April to November 2008 for prices ranging from $450,000 to $570,000 or from $124.10 to $162.86 per square foot of living area, including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as date of sale, land area, age, size, garages and fireplaces. After making these adjustments, the comparables had adjusted sales prices ranging from $480,500 to $588,500 or from $121.93 to $168.15 per square foot of living area, including land. The appraiser concluded a value for the subject by the sales comparison approach of $515,000. Comparable #4 consisted of a sale listing of $599,900 or $161.52 per square foot of living area, including land. This comparable was adjusted for date of sale, size, basement finish and fireplace for an estimated adjusted list price of $565,900 or $152.37 per square foot of living area, including land.

In his final reconciliation, the appraiser placed most weight on the sales comparison approach because it "most represents typical buyers and sellers in the market." The appraiser was not present to provide direct testimony or subject to cross examination. The appellant argued that the subject has a diminished market value because of the excessive traffic noise from a nearby highway. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of $220,927 was disclosed. The subject has an estimated market value of $664,842 or $165.88 per square foot of living area including land, as reflected by its assessment and Lake County's 2008 three-year median level of assessments of 33.23%.

In support of the subject's estimated market value, the board of review submitted a letter from the local assessor, a linear regression analysis, nine comparable sales, a subdivision sales analysis, photographs and property record cards. The sale comparables consist of brick, wood siding or brick and wood siding exterior constructed dwellings that were built between 1979 and 1990. The comparables had effective ages ranging from 1985 to 1990. The properties ranged in size from 3,014 to 3,951 square feet of living area. Each comparable had central air-

conditioning, from one to three fireplaces, full or partial unfinished basements and attached garages with two properties having an additional detached garage. The comparables sold between June 2005 and August 2007 for prices ranging from $640,000 to $832,500 or from $190.08 to $240.53 per square foot of living area, including land.

In rebuttal, the appellant argued that the board of review's evidence does not take into account the subject's diminished value based on noise pollution. The appellant further argued that the methodology used by the Libertyville Township Assessor fails to account for amenities such as pools, baths, whirlpools and garages.

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 a reduction in the subject property's assessment is not warranted.

When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2nd 1256 (2nd Dist. 2000). The Board finds the appellant has not overcome this burden.

The Board finds the appellant submitted an appraisal of the subject property in which the subject's market value was estimated to be $515,000 as of January 24, 2009. The appraiser was not present at the hearing to provide direct testimony or subject to cross examination regarding his methodology or final value conclusions, therefore, the Board will only consider the raw sales data contained within the appraisal report. The board of review submitted nine comparable sales that sold for prices ranging from $190.08 to $240.53 per square foot of living area, including land.

The appellant's raw sales data depicts three comparable sales that sold for prices ranging from $124.10 to $162.86 per square foot of living area including land. The Board gave less weight in its analysis to the appellant's comparables because they were dissimilar to the subject in design, age and/or size when compared to the subject, based on the raw sales data. The Board also gave less weight to the board of review's sale comparables #1, #2, #4, #6, #7 and #9 because they were dissimilar to the subject in proximity to a major highway, size, contained an additional garage the subject does not enjoy and/or also had a sale date too remote in time to support the subject's estimated fair cash value. The Board finds the remaining comparables (#3, #5 and #8 submitted by the board of review), to be the best evidence of the subject's estimated market value. The Board considered these comparables most similar to the subject based on age, design, proximity to the subject and/or most other features, including the characteristic of being close to the same major highway, as the subject. These comparables sold for prices

ranging from $660,000 to $787,500 or from $190.08 to $240.53 per square foot of living area, including land. The subject has an estimated market value of $664,842 or $165.88 per square foot of living area including land, as reflected by its assessment. The subject's estimated market value is within and near the low end of this established range and is below these most similar comparables on a per square foot basis.

In conclusion, the Board finds the appellant has not demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is correct and a reduction is not 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: January 21, 2011

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.