



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

APPELLANT: Mark Syc
DOCKET NO.: 10-02120.001-R-1
PARCEL NO.: 16-09-108-002

The parties of record before the Property Tax Appeal Board are Mark Syc, the appellant, by attorney Mitchell L. Klein, of Schiller Klein PC in Chicago; 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: \$79,286
IMPR: \$89,016
TOTAL: \$168,302

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a 2-story frame dwelling containing approximately 2,272 square feet of living area¹. The subject dwelling was built in 1976 and features a partial basement with finished area², central air conditioning, 1 fireplace and a garage containing 484 square feet. The dwelling is located in Lake Forest, West Deerfield Township, Lake County.

The appellant's appeal is based on unequal treatment in the assessment process and overvaluation.

Regarding the overvaluation argument, the appellant submitted an appraisal report in which a market value of \$515,000 or \$226.67 per square foot of living area including land was estimated for the subject property as of September 18, 2010, nine months after

¹ The board of review claims the dwelling contains 2,346 square feet of living area and submitted a property record card with dimensions rounded to whole feet in support of the claim. The appraiser claims the subject dwelling contains 2,272 square feet of living area and submitted a schematic diagram with dimensions accurate to tenths of feet to support the claim. For purposes of this appeal, the Board will use 2,272 square feet of living area as the dwelling size.

² The board of review claims the subject features an unfinished basement. The appraiser claims the subject features a basement finished in rec room quality and submitted photographic evidence to support the claim.

the subject's assessment date of January 1, 2010. In the appraisal, the appraiser developed the sales comparison approach in estimating the fair market value of the subject property.

The appraiser considered three comparable properties described as 2-story dwellings of frame or brick and frame construction. The dwellings range in size from 2,278 to 3,041 square feet of living area and are either 40 or 45 years old. The comparables feature basements with finished area, central air conditioning, 1 fireplace and 2-car garages. The appraiser did not specify whether the basements were full or partial. The comparables sold from March through June 2010 for prices ranging from \$482,000 to \$591,000 or from \$194.34 to \$216.65 per square foot of living area including land.

The appraiser adjusted the comparables for site, condition, gross living area and screened porch. The final adjusted sale prices ranged from \$512,000 to \$531,500 or from \$174.78 to \$224.76 per square foot of living area including land. Based on these adjusted comparables, the appraiser estimated the subject's fair market value to be \$515,000 or \$226.67 per square foot of living area including land as of September 18, 2010. The appraiser claims the market in this neighborhood has been stable the past 12 months and submitted data to support the claim.

In support of the equity argument, the appellant submitted three comparable properties different from those in the appraisal. The comparables are described as 2-story brick or frame dwellings built from 1966 to 1976. They range in size from 2,368 to 2,668 square feet of living area. Features include full or partial basements, one with finished area, central air conditioning, 1 fireplace and garages that contain either 462 or 510 square feet. These properties have improvement assessments ranging from \$72,854 to \$120,256 or from \$27.31 to \$50.78 per square foot of living area. The subject has an improvement assessment of \$129,030 or \$56.79 per square foot of living area. The appellant requested the subject's improvement assessment be reduced to \$92,363 or \$40.65 per square foot of living area.

Based on this record, the appellant requested the subject's total assessment be reduced to \$171,649. This assessment would reflect a market value of approximately \$515,000 or \$226.67 per square foot of living area at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$208,316 was disclosed. The subject's total assessment reflects an estimated market value of \$637,442 or \$280.56 per square foot of living area, land included, using the 2010 three-year median level of assessments for Lake County of 32.68% as determined by the Illinois Department of Revenue. The subject has an improvement assessment of \$129,030 or \$56.79 per square foot of living area.

In support of the subject's assessment, the board of review presented descriptions and information on four market value comparable properties and a list of 21 equity comparables.

The board of review market value comparables are described as 2-story frame or brick and frame dwellings ranging in size from 2,322 to 2,976 square feet of living area. They were built between 1965 and 1967. Features include full or partial basements, one with finished area, central air conditioning, 1 or 2 fireplaces and garages that contain either 528 or 624 square feet. The comparables sold between April 2009 and September 2010 for prices ranging from \$535,000 to \$650,000 or from \$213.37 to \$263.80 per square foot of living area including land.

The board of review equity comparables were located in the same neighborhood code as the subject and built between 1970 and 1977. They consist of 2-story dwellings ranging in size from 2,112 to 2,548 square feet of living area. All have basements ranging in size from 851 to 1,276 square feet. No information was provided on exterior construction, central air conditioning, fireplaces or garages. These properties have improvement assessments ranging from \$116,876 to \$146,252 or from \$50.78 to \$58.91 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 Property Tax Appeal Board further finds the evidence in the record supports a reduction in the subject's assessment.

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 must be proven by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted.

Initially, the Board finds the difference in subject size between the appellant and the board of review is insignificant for the purpose of this appeal. The Board finds the correct size of the subject is 2,272 square feet of living area based on the best information in the record.

Regarding the market value argument, the Board finds the appellant submitted an appraisal report with a value conclusion of \$515,000 or \$226.67 per square foot of living area including land as of September 18, 2010. The appraiser made reasonable adjustments for the differences between the comparables and the subject. Although the appraisal date was nine months after the

subject's assessment date of January 1, 2010, the appraiser demonstrated the market was stable during that time in that neighborhood.

The board of review market value comparables were similar to the subject age, size, style, exterior construction and features. These comparables sold proximate to the subject's assessment date for prices ranging from \$535,000 to \$650,000 or from \$213.37 to \$263.80 per square foot of living area including land.

The subject's assessment reflects a market value of \$637,442 or \$280.56 per square foot of living area including land, which is above the market value of these most similar comparable properties on a per square foot basis. Therefore, the Board finds the appellant has proven by a preponderance of the evidence that the subject is overvalued, and a reduction in the subject's assessment is warranted based on overvaluation. The Board further finds the appraisal report is the best evidence of value in the record and that the subject had a market value of \$515,000 as of its assessment date of January 1, 2010. Since market value has been determined, the 2010 Lake County three-year median level of assessments of 32.68% shall apply.

The appellant also contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity 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 appellant has not met this burden.

Regarding the improvement assessment inequity argument, the Board finds both parties submitted 24 comparables similar to the subject. These comparables had improvement assessments that ranged from \$72,854 to \$146,252 or from \$27.31 to \$58.91 per square foot of living area. The subject's revised improvement assessment of \$89,016 or \$39.18 per square foot of living area is within the range established by these comparables. Therefore no further reduction in the subject's improvement assessment is warranted based on inequity.

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.

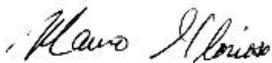


Chairman



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: March 22, 2013



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.