

**Memorandum
Community and Economic Development
Department**

**To: Thomas Thomas, City Manager
Subject: Report on Status of Special Use Permit
for 4510 42nd Avenue
Date: March 29, 2016**



Mr. Joseph Gusse received a Special Use Permit on December 16, 2013 to operate an architect's office out of the second floor space of a residence at 4510 42nd Avenue (see attached ordinance). Mr. Gusse had purchased the vacant residentially zoned property and intended to renovate the structure for his residence and office. The City Inspection Division has been involved in an approximate two year code enforcement process to bring the structure up to Code for permanent occupancy for the architect office and residence in an R-1 (one family residence) district.

On March 4, 2016 Mr. Gusse appeared before the Code Hearing Officer of MUNICES (Municipal Code Enforcement Service) to respond to a summons from the City to fix several building, plumbing and electrical code violations. Mr. Gusse indicated at the hearing that he expected to have all the violations fixed so he could reside in the single family residence at the "end of March".

Planning and Redevelopment staff sent Mr. Gusse the attached letter identifying that there was also a zoning violation at the property because the approved Special Use Permit was for an architect's office accessory to a legal "residence" at the property. Without a legal residence the conditions in the Ordinance for the Special Use Permit were not met. Staff identified that Mr. Gusse would need to "legally reside at 4510 42nd Avenue as your residence" by March 28, 2016, or staff would send a report to City Council recommending that the Special Use Permit be revoked.

The Chief Building Official has informed Planning and Redevelopment staff that at the writing of this report Mr. Gusse has not yet met all building, plumbing and electrical code requirements for the City to issue either a temporary or a permanent Certificate of Occupancy for a legal residence at the subject property.

Recommendation:

That the City Council direct staff to schedule a public hearing before the Council to consider revoking the Special Use Permit at 4510 42nd Avenue.

Legal Description of Property:

Lot 19 of P.S. French's Subdivision to the City of Rock Island, also known as 4510 42nd Avenue, Rock Island, Illinois.

**Submitted by: Alan Fries, Urban Planner II
Ben Griffith, Planning and Redevelopment Administrator
Jeff Eder, Assistant City Manager and CED Director**

Approved by: Thomas Thomas, City Manager

ORDINANCE 075-2013

**A SPECIAL ORDINANCE GRANTING A SPECIAL USE PERMIT
IN THE CITY OF ROCK ISLAND, ILLINOIS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, ILLINOIS:

Section One. A special use permit to operate an architect's office out of the second floor space of a residence located in an R-1 (one family residence) district, be and is hereby granted to Joseph Gusse and Kathy Gusse, proposed owners of property being legally known as:

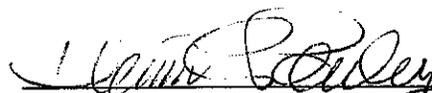
Part of Lot Number Nineteen (19) of P.S. French's First Subdivision to the City of Rock Island, also known as 4510 - 42nd Avenue, Rock Island, Illinois.

Section Two. Said permit be and is hereby subject to the following stipulations:

1. Two resident employees, one full-time non-resident employee and two part-time non-resident employees shall be allowed;
2. Hours of operation shall be 8:00 a.m. to 5:00 p.m., Monday through Friday;
3. A minimum of five off-street parking spaces shall be provided on the site;
4. A 20" x 12" business logo on the door and a 12" x 3" plaque on the mailbox sign shall be allowed;
5. The use shall meet all other applicable codes and ordinances.

Section Three. All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they do so conflict.

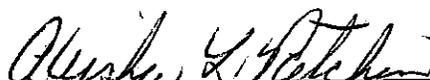
Section Four. This ordinance shall be in full force and effect from and after its passage and approval, as required by law.


MAYOR OF THE CITY OF ROCK ISLAND

PASSED: December 16, 2013

APPROVED: December 17, 2013

ATTEST:


CITY CLERK

AYES: Aldermen

Clark
Conroy
Foley
Tollenaer
Hotle
Murphy
Austin

NAYS: None

ABSENT: None



ROCK ISLAND
ILLINOIS

CITY OF ROCK ISLAND
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

March 7, 2016

NOTICE OF VIOLATION

Joseph Gusse
2705 35th Street
Rock Island, Illinois 61201

Dear Mr. Gusse:

Attached is a copy of the approved Special Use Permit Ordinance for the architect's office at 4510 42nd Avenue dated December 17, 2013. The ordinance states that the office shall be located on the second floor of a residence. Your testimony on Friday at the MUNICES hearing indicated that you are not yet residing at the subject property, but are operating your office out of the structure. This is a violation of the Special Use Permit Ordinance.

The City will give you until March 28, 2016 to legally reside at 4510 42nd Avenue as your residence. Failure to meet this requirement by March 28, 2016 will result in City Staff bringing the Special Use Permit before the City Council on April 4, 2016 recommending that it be revoked.

If you have any questions contact the Planning and Redevelopment Division at 732-2900.

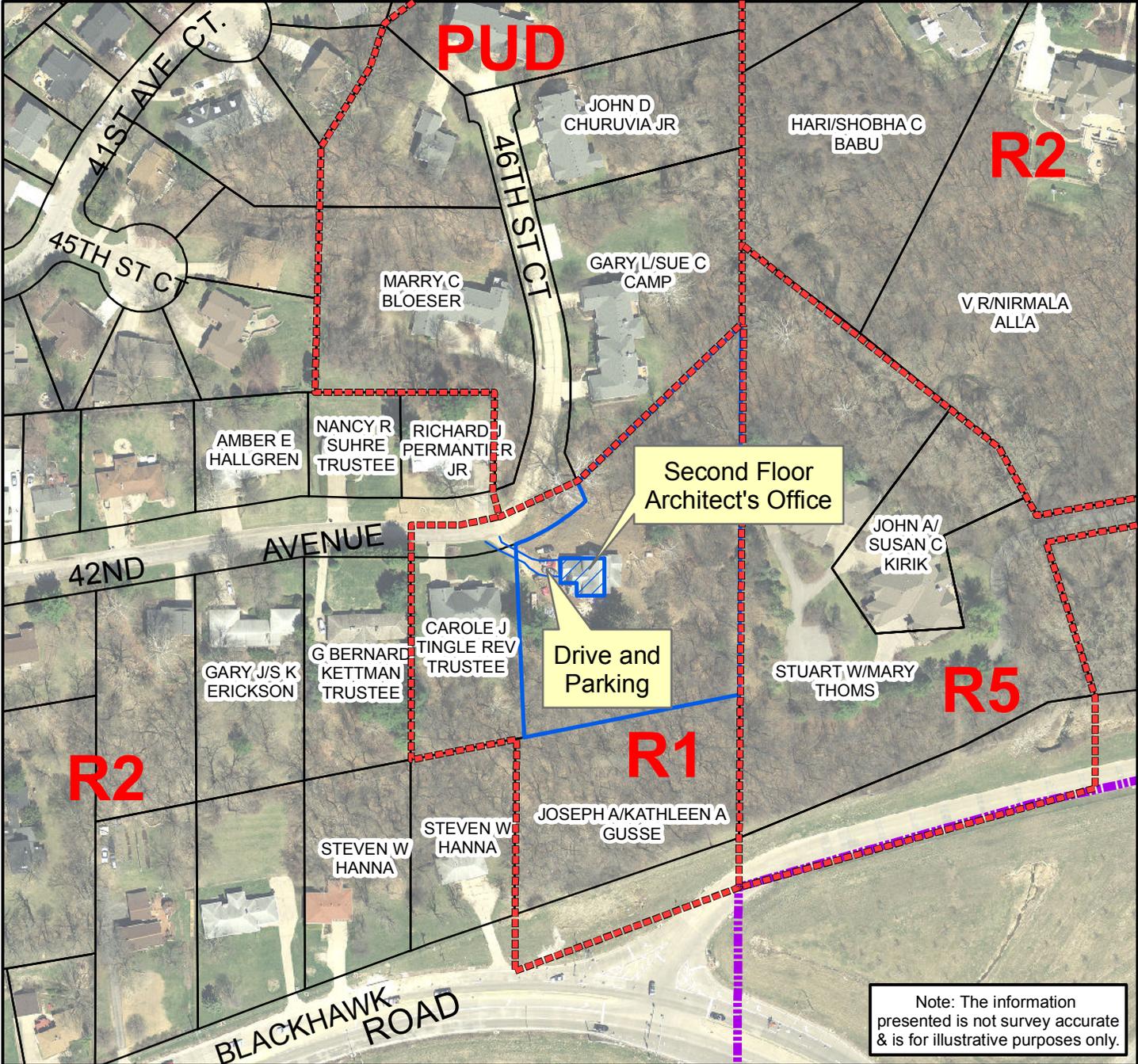
Sincerely,

Alan Fries
Urban Planner II

Enclosure

Cc: David Morrison, City Attorney
Jeff Eder, Assistant City Manager, CED Director
Ben Griffith, Planning and Redevelopment Administrator

LOCATION MAP



LOCATION MAP

4510 42nd Avenue

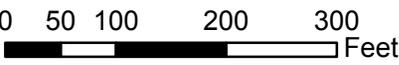
Legend

- Parcels
- Subject Property

DR. BY: K.G.D.

APPR. BY: B.G./A.F.





City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



ROCK ISLAND
ILLINOIS

Note: The information presented is not survey accurate & is for illustrative purposes only.