

## **Memorandum**

**Community & Economic Development Department**

**To: Thomas Thomas, City Manager**

**Subject: Public Hearing Report Regarding Consideration  
of Revocation of Special Use Permit for 4510 42<sup>nd</sup> Avenue**

**Date: May 13, 2016**

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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 42<sup>nd</sup> Avenue (see attached ordinance). Mr. Gusse had purchased the vacant residentially zoned structure and intended to renovate the structure for his residence and office. Planning and Redevelopment Division staff reported to the City Council at its April 4, 2016 meeting that there are ongoing City Inspection Division code enforcement issues to bring the structure up to Code for permanent occupancy for the architect office and residence in an R-1 (one family residence) district.

### Background:

Planning and Redevelopment Division staff learned that Mr. Gusse was operating his architectural business out of the residence without living at the property. Mr. Gusse appeared before the Code Hearing Officer of MUNICES (Municipal Code Enforcement Service) on March 4, 2016 to respond to a summons from the City to fix several building/nuisance code violations. Mr. Gusse indicated under oath at the hearing that he expected to have all the violations fixed so he could reside in the single family residence by the "end of March".

Following the MUNICES hearing, Planning and Redevelopment staff sent Mr. Gusse the attached letter identifying that there were zoning violations at the property. The property, in accordance with the Special Use Permit, was primarily intended to be a residence with an accessory business of an architect's office out of the second floor. However, the property was not being operated in this manner.

Mr. Gusse received a temporary 90-day Certificate of Occupancy for the architect's office from the Inspection Division on December 15, 2015. The temporary occupancy permit expired on March 15, 2016. 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 residence and business space in the structure. As of March 16, 2016, Mr. Gusse has not received a temporary or a permanent Certificate of Occupancy for a residence at the subject property.

As of March 16, 2016, the property remained in violation of stipulations #1 and #5 of the Ordinance granting the Special Use Permit. Stipulation #1 requires that there be two resident employees, along with three non-resident employees. Mr. and Mrs. Gusse (the two resident employees) do not reside at the property, nor is the property habitable at this time. Stipulation #5 requires "the use shall meet all other applicable codes and ordinances". The property is not in compliance with all applicable codes and ordinances.

### Inspections Division Records:

Mr. Gusse first contacted the City on March 28, 2014 regarding plan review of the scope of work at the subject property. An excavation work start date was set for March 28, 2014. Applications and permits for mechanical, plumbing, building and electrical work were issued for the balance of 2014. Many of the permits are still outstanding and the work has not been completed. Final inspections for the property have not been called for and the property has not passed all necessary inspections.

The existing structure had been vacant for approximately 5-7 years prior to Mr. Gusse purchasing the property. The structure was serviced by well water and a private septic system. The structure is still serviced by well water. With regards to the private septic system, Mr. Gusse was informed that he would be required to connect to City of Rock Island sanitary sewer because the existing septic system was too small, did not operate properly and could not be brought into conformance with Illinois State Statutes. Mr. Gusse was given four alternative options for connecting to the City sanitary sewer system. Mr. Gusse delayed hooking up the existing structure to City sanitary sewer and engaged in an approximate one-year process of seeking variances from state officials regarding the construction and connection to existing City sanitary sewer mains in the neighborhood. Mr. Gusse did not receive any variances from state statutes. Mr. Gusse finally completed sewer connection work to an existing sewer main to the northwest of his site in August 2015. The excavation and construction work of the route Mr. Gusse chose disrupted the property frontage of residents along 46<sup>th</sup> Street Court during the process. It likely would have been less expensive and more conducive for Mr. Gusse to connect to an existing sanitary sewer main across the avenue from his property.

A City inspection was conducted on April 26, 2016. The building, plumbing and electrical inspectors were invited by Mr. Gusse to review work done to the residential portion of the subject property. The result of the combined inspection was three incomplete building code issues identified and six incomplete electrical code issues identified. There were also nine incomplete plumbing issues, including the fixtures and connections to an ADA bathroom, which would be available for customers and/or employees of the business.

On May 12, 2016, another City inspection was conducted. The building, plumbing and electrical inspectors were again invited to the property by Mr. Gusse. The final electrical inspection passed, with notes referencing that future construction of walls may require additional electrical work. The plumbing inspector found three of the previous plumbing issues had been resolved, and six of the previous plumbing issues were still non-compliant. The non-compliant issues include the ADA restroom for the architecture business, and an additional issue was noted for a total of seven outstanding plumbing issues to be corrected. With these and other building issues remaining unresolved, the final building inspection for both the residence and business are still incomplete.

### Analysis:

Based on the list of remaining items yet to be completed, the final improvement process could be completed within approximately two months. Staff recommends that the City Council conduct the public hearing in order to receive testimony from all parties involved.

**Recommendation:**

That the City Council approve a continuation of the public hearing for an approximate 60 day time period (re-opening the public hearing at the July 11, 2016 City Council meeting) to allow additional time for all required Code work to be completed, final inspection approved by City staff and residency established at the property.

**Legal Description of Property:**

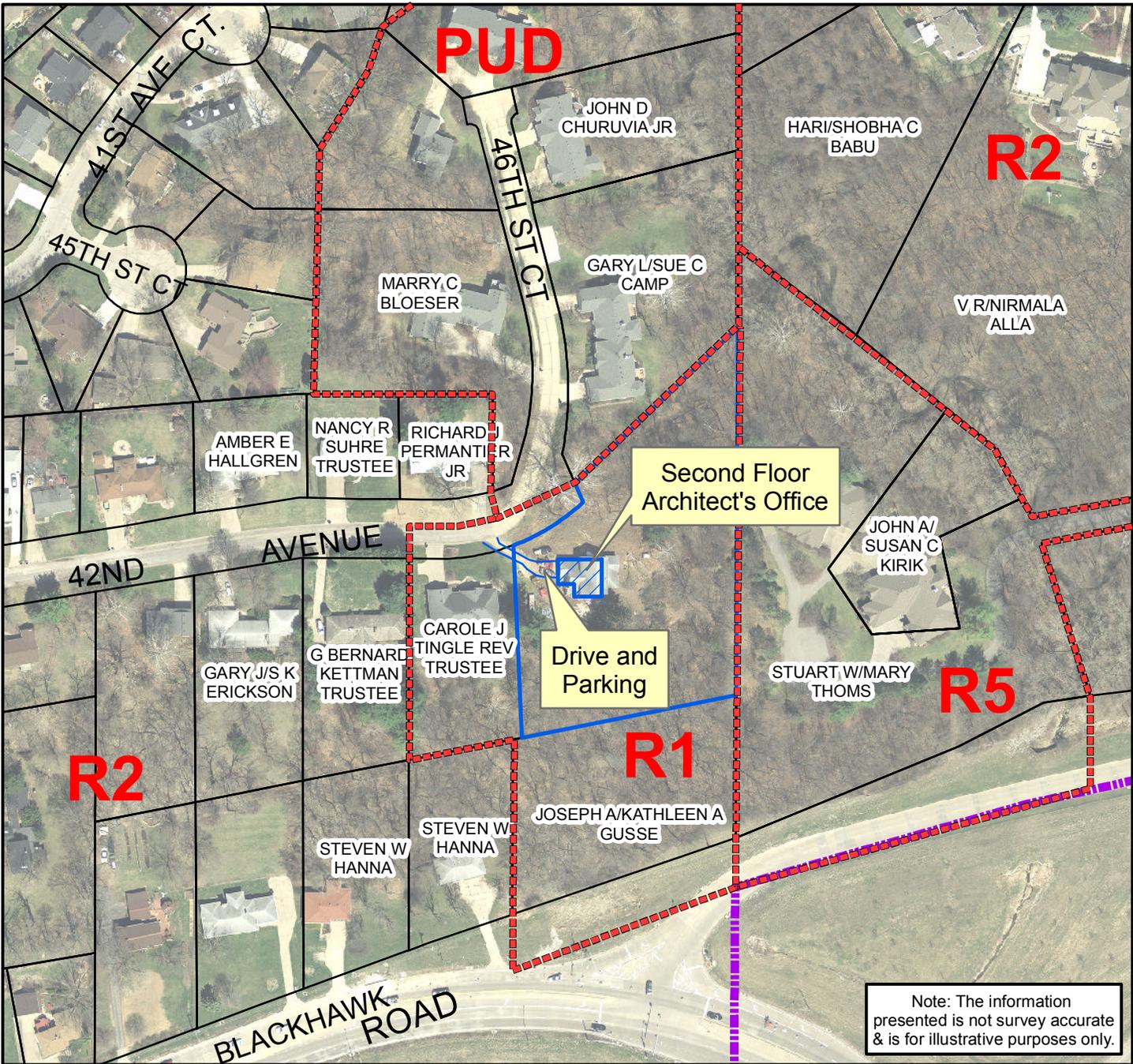
Lot 19 of P.S. French's Subdivision to the City of Rock Island, also known as 4510 42<sup>nd</sup> Avenue, Rock Island, Illinois.

**Submitted by:** Alan Fries, Urban Planner II  
Ben Griffith, Planning & Redevelopment Administrator  
Jeff Eder, Community & Economic Development Director  
Dave Morrison, City Attorney

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**Approved by:** Thomas Thomas, City Manager

# LOCATION MAP



**LOCATION MAP**

**4510 42nd Avenue**

**Legend**

- Parcels
- Subject Property

DR. BY:     K.G.D.    

APPR. BY:     B.G./A.F.    



0 50 100 200 300  
Feet

**City of Rock Island**

COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
Planning and Redevelopment



**ROCK ISLAND**  
ILLINOIS

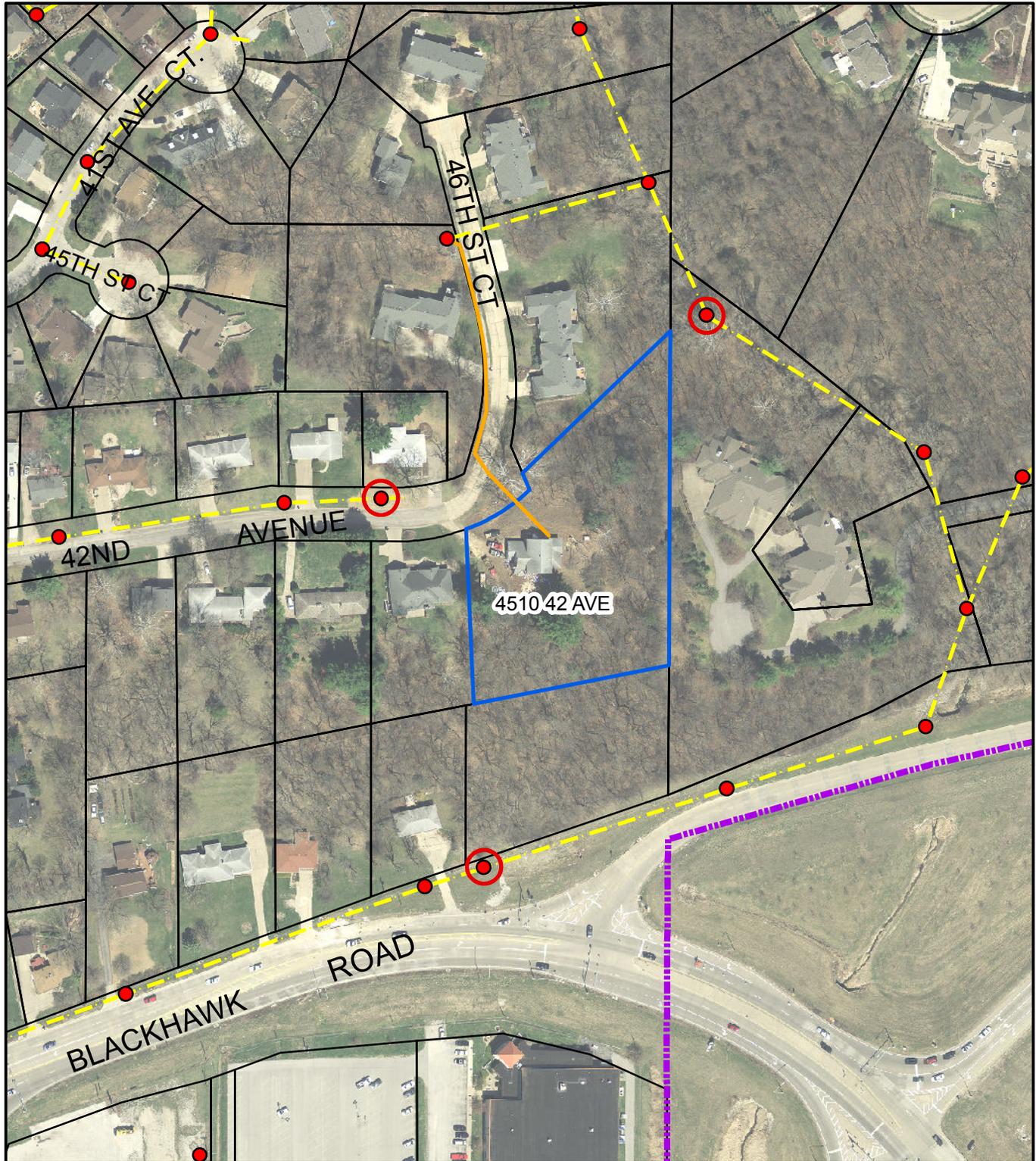
Note: The information presented is not survey accurate & is for illustrative purposes only.



ROCK ISLAND  
ILLINOIS

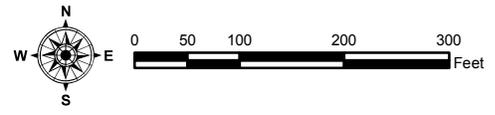
# Sanitary Sewer Location Map

Prepared By: City of Rock Island,  
Community and Economic Development Department  
Date: May 2016



-  4510 42nd Avenue
-  Parcels
-  Municipal Boundary

-  Existing Sanitary Sewer Main
-  Newly Constructed Private Sewer Lateral
-  Sanitary Sewer Manhole
-  Alternate Sewer Connections



Disclaimer: This map is not a substitute for an actual field survey or online investigation. The accuracy of the map is limited to the quality of the records from which it was assembled. The City of Rock Island makes no warranty concerning this information.

**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:

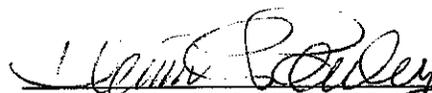
Part of Lot Number Nineteen (19) of P.S. French's First Subdivision to the City of Rock Island, also known as 4510 - 42<sup>nd</sup> Avenue, Rock Island, Illinois.

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.

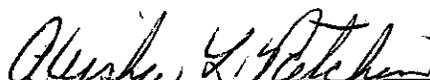
Section Four. This ordinance shall be in full force and effect from and after its passage and approval, as required by law.

  
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 35<sup>th</sup> 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 42<sup>nd</sup> 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 42<sup>nd</sup> 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