



DocId:7015178

Tx:4679410

RETURN TO:

**CITY CLERK
116 E. MARKET STREET
TROY, ILLINOIS 62294**

2026R03622
STATE OF ILLINOIS
MADISON COUNTY
02/06/2026 09:11 AM
LINDA A. ANDREAS
CLERK & RECORDER
REC FEE: 50.00
CO STAMP FEE:
ST STAMP FEE:
FF FEE:
RHSPS FEE:
OF PAGES: 16

CITY 50

**CITY OF TROY
ORDINANCE NO. 2026-15**

**AN ORDINANCE TO ADOPT THE ZONING HEARING
OFFICER'S DECISION GRANTING H3 FARM ENTERPRISES
LLC AT 1515 FORMOSA ROAD VARIANCE 2026-01ZHO**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF TROY, ILLINOIS
THIS 2ND DAY OF FEBRUARY 2026**

10

ORDINANCE NO. 2026-15
AN ORDINANCE TO ADOPT THE ZONING HEARING OFFICER'S DECISION
GRANTING H3 FARM ENTERPRISES LLC AT 1515 FORMOSA ROAD
VARIANCE 2026-01ZHO

WHEREAS, attached is the City Zoning Hearing Officer's Decision on Variance 2026-01ZHO (Exhibit "A"); and

WHEREAS, pursuant to Section 154.160 of the Code of Ordinances, the City Council must act on the Decision (i.e. adopt, deny, or refer back to the Zoning Hearing Officer); and

WHEREAS, after reviewing and considering the Decision of the Zoning Hearing Officer, the City Council hereby adopts the Decision in its entirety (granting in part the variance sought by H3 Farm Enterprises LLC., at 1515 Formosa Road).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TROY, MADISON COUNTY, ILLINOIS AS FOLLOWS:

1. That the City Council hereby determines that the preambles hereto are true and correct and are incorporated herein by reference as if fully set forth herein.
2. That the City Council hereby adopts the Decision in its entirety (granting in part the variance sought by H3 Farm Enterprises LLC., at 1515 Formosa Road).
3. That if any section or provision of this Ordinance is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining sections or provisions of this Ordinance which can be given effect without the invalid section or provision, and to this end, the sections and provisions of this Ordinance are declared to be severable.
4. This Ordinance shall be effective upon its passage, signing, and publication as required by law.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 2nd day of February 2026.

Dan Dawson	<u>✓</u>	Sam Italiano	<u>ABSENT</u>	Ayes:	<u>7</u>
Tim Flint	<u>✓</u>	Debbie Knoll	<u>✓</u>	Nays:	<u>0</u>
Elizabeth Hellrung	<u>✓</u>	Heather Stirling	<u>✓</u>	Absent:	<u>1</u>
Nathan Henderson	<u>✓</u>	Troy Turner	<u>✓</u>	Abstain:	<u>0</u>

APPROVED:

David Nonn
 DAVID NONN, Mayor
 City of Troy, Illinois

ATTEST:

Kimberly Thomas
 KIMBERLY THOMAS, Clerk
 City of Troy, Illinois





ZONING VARIANCE APPLICATION

www.troyil.us

Please PRINT using ONLY BLUE or BLACK INK

OFFICE WILL ASSIGN: Variance Permit #: _____

1. Applicant Information:

Name: H3 Farm Enterprise LLC Phone #: 618-550-4081
Address: 1501 Formosa Rd Collinsville IL 62234
Email: Kenthighland@aol.com

2. Property Interest of Applicant:

Property Owner Contract Purchaser Leaseholder Other: _____

3. Property Owner Information (if different than applicant):

Name: Kent Higgins / H3 Farm Enterprise LLC Phone #: 618-550-4081
Address: 1501 Formosa Rd Collinsville IL 62234
Email: Kenthighland@aol.com

4. Property Location:

Address: 1515 Formosa Rd

5. Legal Description of Property:

If the description is by metes and bounds, please attach to the application.

Lot # _____ Subdivision: _____

6. What is the present land use or construction needing a variance:

Land Use: Agriculture
Zoning District: _____

7. What is the proposed land use or construction needing a variance:

storage facility

8. Which unique characteristics prevent reasonable use for any of the permitted uses in that zoning district? Describe the items checked, giving dimensions where appropriate.

Too narrow Too small Too shallow Topography
 Drainage Slope Soil Subsurface
 Other _____

9. How do the above site conditions prevent any reasonable use of the property?

None

10. State the zoning regulations from which you are requesting the variance (i.e. setback, yard, lot size, etc.):

gravel parking area

11. Do the peculiar circumstances for which you are requesting a variance apply only to your property?

Yes No

12. If present structures will be used, what modifications will be made?

No present structures

13. A list of names and addresses of all property owners within 250 feet and present use of the property (vacant, house, etc.) is attached to this application.

This list of surrounding property owners must be obtained from Madison County.

Yes No

14. A site plan with details (as noted on Page 4 Instructions and Requirements) is attached to this application.

Yes No

15. I certify that all of the above statements/information and the statements contained in any papers or plans submitted herewith are true and accurate. I consent to the entry in or upon the premises as described in this application by any authorized official of the City of Troy for the purposes of inspecting, or of posting, maintaining and removing such notices as may be required by law.

[Signature]
Applicant's Signature (Mandatory)

1-26-26
Date

[Signature]
Property Owner's Signature (Mandatory)

1-26-26
Date

waived per mays	DATE \$500 PAID <input type="checkbox"/> Cash <input type="checkbox"/> Check	Check #	<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> DENIED <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED WITH MODIFICATION DATE OF DETERMINATION
	DATE OF PUBLIC HEARING	Receipt #	
at 5-24 -8-26	NOTICE SENT TO SURROUNDING PROPERTY OWNERS		
5-24	NOTICE PUBLISHED IN THE TIMES TRIBUNE		
	NOTICE POSTED ON BULLETIN BOARD/WINDOW & WEBSITE		
<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	DATE OF DETERMINATION	

App 1-26-26



NOTICE OF PUBLIC HEARING

PURSUANT TO THE OPEN MEETINGS ACT, notice is hereby given that a public hearing will be held before the Zoning Hearing Officer on Thursday, January 22, 2026 at 1:00 p.m., in City Council Chambers at the Troy Municipal Building, 116 E. Market St., Troy, Illinois.

An application has been received from Kent Higgins, H3 Farm Enterprise LLC, owner, requesting a variance for property located at 1515 Formosa Rd. which has a property index number (PIN) of 09-1-22-18-00-000-003 and is zoned I-1 Light Industrial. The applicant is requesting a variance to allow the use of gravel for a partial lot (future phase). Troy Zoning Ordinance Section 154.082 Parking Surfaces requires all newly constructed off-street parking areas or parking lots shall be striped, graded and improved with either asphalt or concrete.

The above application is open to inspection in the Building & Zoning Dept., 116 E. Market St., Troy, Illinois.

This hearing is open to the public. All interested parties are invited to attend the public hearing and be heard for or against this proposal.

Ann Byrd
Director Building & Zoning

Public Notified: January 5, 2026
Media Notified: January 5, 2026

Building & Zoning Department
116 E. Market Street
Troy, Illinois 62294

618-667-8734 ext. 4
buildingzoning@troyil.us
www.troyil.us

H3 Farm Enterprise LLC
1501 Formosa Road
Collinsville, IL 62234

Berkley Jackson Developments LLC
105 Yorkshire Ct
Troy, IL 62294

Caleb Grapperhaus
7948 W Kirsch Rd
Troy, IL 62294

Ryan Lybarger
8362 Burlington Drive
Troy, IL 62294

William and Sharon Placht
7600 US Highway 40
Troy, IL 62294

Osborn Development LLC
100 Regency Centre
Collinsville, IL 62234

Church of Christ
1400 Troy Road
Collinsville, IL 62234

Southwestern Electric Cooperative Inc
525 US Route 40
Greenville, IL 62246

Stephen Mathers and Dianna Tickner
1 Cowgirl Lane
Collinsville, IL 62234

Church of Christ
1400 Troy Road
Troy, IL 62294

Plummer Investments LLC
514 E Vandalia St.
Edwardsville, IL 62025

Jason Askew
27 Longshot Drive
Troy, IL 62294

Madison County Transit District
1 Transit Lane
Granite City, IL 62040

Unlimited Storage LLC
1140 Troy Rd
Collinsville, IL 62234

Timothy & Beverly Reeb Family Trust
48 Anderson Ln
Belleville, IL 62221

IDOT
Or Property Owner
1102 Eastport Plaza Dr
Collinsville, IL 62234

ZONING VARIANCE APPLICATION

Please PRINT using ONLY BLUE or BLACK INK

Everything Within Reach

OFFICE WILL ASSIGN: Variance Permit #: _____

1. Applicant Information:

Name: Kent Higgins Phone #: 618-550-4081
Address: 1501 Formosa Road, Collinsville IL 62234
Email: kenthighland@aol.com

2. Property Interest of Applicant:

Property Owner Contract Purchaser Leaseholder Other: _____

3. Property Owner Information (if different than applicant):

Name: _____ Phone #: _____
Address: _____
Email: _____

4. Property Location:

Address: 1575 Formosa

5. Legal Description of Property: If the description is by metes and bounds, please attach to the application.

Lot # _____ Subdivision: _____

6. What is the present land use or construction needing a variance:

Land Use: Agriculture
Zoning District: _____

7. What is the proposed land use or construction needing a variance:

Storage facilities

8. Which unique characteristics prevent reasonable use for any of the permitted uses in that zoning district? Describe the items checked, giving dimensions where appropriate.

Too narrow Too small Too shallow Topography
 Drainage Slope Soil Subsurface
 Other: Nothing

9. How do the above site conditions prevent any reasonable use of the property?

N/A

10. State the zoning regulations from which you are requesting the variance (i.e. setback, yard, lot size, etc.):

Paved parking

11. Do the peculiar circumstances for which you are requesting a variance apply only to your property?

Yes No

12. If present structures will be used, what modifications will be made?

No present structures

13. A list of names and addresses of all property owners within 250 feet and present use of the property (vacant, house, etc.) is attached to this application. This list of surrounding property owners must be obtained from Madison County.

Yes No

14. A site plan with details (as noted on Page 4 Instructions and Requirements) is attached to this application.

Yes No

15. I certify that all of the above statements/information and the statements contained in any papers or plans submitted herewith are true and accurate. I consent to the entry in or upon the premises as described in this application by any authorized official of the City of Troy for the purposes of inspecting, or of posting, maintaining and removing such notices as may be required by law.

[Signature]
Applicant's Signature (Mandatory)

1-1-26
Date

[Signature]
Property Owner's Signature (Mandatory)

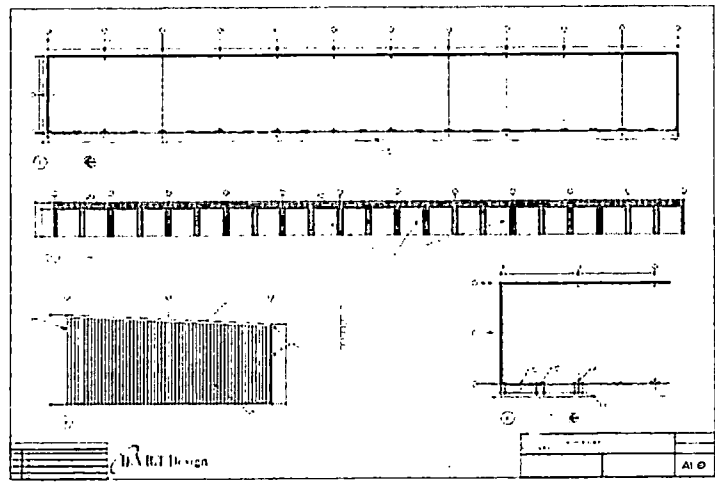
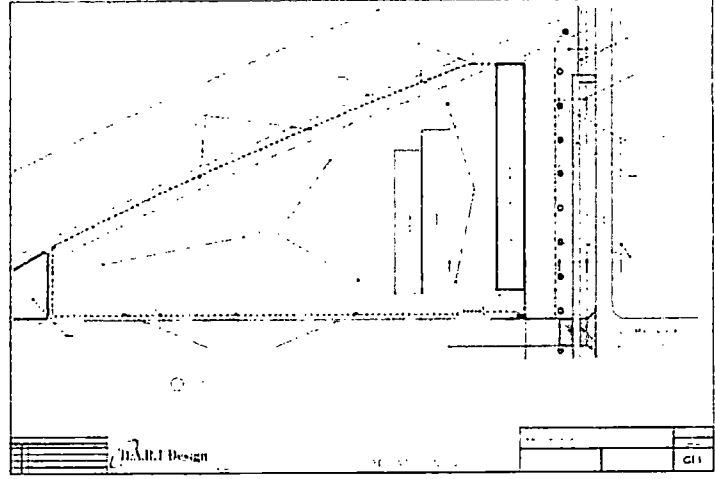
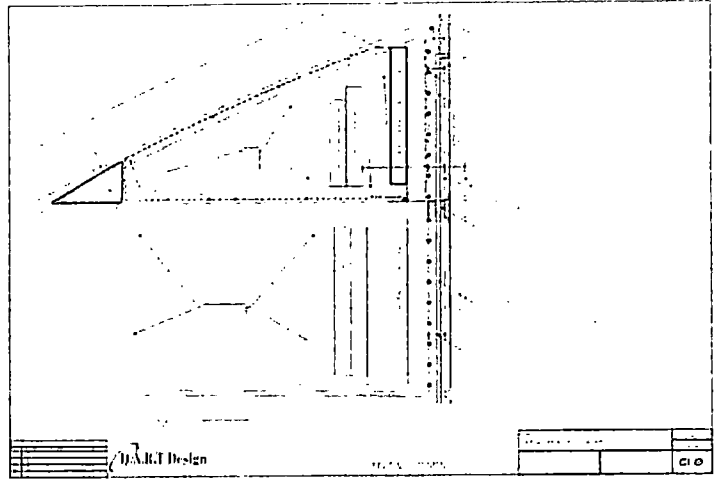
1-1-26
Date

OFFICE USE ONLY				TROY CITY COUNCIL REVIEW	
<u>waived</u>	DATE \$500 PAID	<input type="checkbox"/> Cash	<input type="checkbox"/> Check	Check #	<input type="checkbox"/> NOT APPLICABLE
<u>per Mayor</u>	DATE OF PUBLIC HEARING				<input type="checkbox"/> DENIED
	NOTICE SENT TO SURROUNDING PROPERTY OWNERS			Receipt #	<input type="checkbox"/> APPROVED
<u>sent 1-5-26 for</u>	NOTICE PUBLISHED IN THE TIMES TRIBUNE				<input type="checkbox"/> APPROVED WITH MODIFICATION
<u>1-8-26</u>	NOTICE POSTED ON BULLETIN BOARD/WINDOW & WEBSITE				DATE OF DETERMINATION
<u>1-5-26</u>	ZONING HEARING OFFICER RULING				
<input type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	DATE OF DETERMINATION			

o called Mr. Hissins 1-5-26 & emailed Hissins May 1-5-26



Higgins Storage Facility 12...



City of Troy, Illinois
Hearing Officer Findings of Fact & Decision
1515 FORMOSA ROAD
PPIN: 09-1-22-18-00-000-003

On January 1, 2026, Kent Higgin (hereinafter "Applicant") filed a Zoning Variance Application (hereinafter "Application") with the City's Building & Zoning Department seeking a variance on the above-referenced property, which did not identify the property owner. The variance sought by Applicant is to allow the use of a gravel parking area instead of a fully paved parking area for a period of time while Applicant constructed a storage facility in phases. The City of Troy Planning Commission had previously approved the preliminary design concept for the property on December 11, 2025.

On January 6, 2026, pursuant to proper statutory notice, the City notified all property owners within two-hundred and fifty feet (250') of the subject property of the public hearing on the variance to be held on Thursday, January 22, 2026, at 1:00 p.m. at Troy Municipal Building.

On January 8, 2026, pursuant to proper statutory notice, a Notice of Public Hearing was published in the Times Tribune of the public hearing on the variance to be held on Thursday, January 22, 2026, at 1:00 p.m. at Troy Municipal Building.

Pursuant to the forgoing statutory notice, the undersigned conducted the public hearing on the Application on Thursday, January 22, 2026, at 1:00 p.m. at Troy City Hall. Kent Higgins presented sworn testimony in support of the Application. The following evidence was admitted into evidence: 1) the Notice of Public Hearing; and 2) the Application. No objections were made to any of the testimony or exhibits, which were admitted by the undersigned, and are incorporated by reference herein. Testimony was heard from the City's Building and Zoning Director, Ann Byrd, as well as the City Administrator, Jay Keeven. The City's Engineer, Tom Cissell, testified at the hearing on the application. Three members of the public were present at the public hearing to ask questions but did not offered any testimony in support of or against the Application.

The law is well settled that to obtain a variance, evidence is required such that 1) the property in question cannot yield a reasonable return if to be permitted to be used only under the conditions allowed by the regulations in that zone; 2) the plight of the owner is due to unique circumstances; and 3) the variance, if granted, will not alter the essential character of the locality. See e.g. Ziman v. Village of Glencoe, 132 Ill.App.2d 399 (1st Dist. 1971)(See also City of Troy Code Section 154.158 – Variances).

Based on the Application and the evidence submitted by Applicant at the public hearing in this matter, the following findings of fact are hereby made:

- 1) Notice of public hearing on the Zoning Variance Application at issue was given to all required parties pursuant to 65 ILCS 5/11-13-6 and 65 ILCS 5/11-13-7.
- 2) The public hearing was held on Thursday, January 22, 2026, at 1:00 p.m. at Troy Municipal Building and conducted by the undersigned.

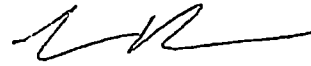
- 3) Applicant is seeking a variance to allow for a gravel parking area while constructing a storage facility in phases. The property is zoned Light Industrial and the intended use is consistent with the character of that zone.
- 4) Applicant offered the sworn testimony of Kent Higgins. Mr. Higgins stated that the intended use of property is to eventually have storage facilities, including for boats and RVs, with paved areas around the buildings. Mr. Higgins stated that he intended to pave the areas as each building is constructed. Mr. Higgins indicated that the construction for the entire storage facility was expected to be completed within three (3) years. Upon completion, there would no longer be any gravel parking areas.
- 5) The City offered the testimony of Tom Cissell and Jay Keeven. Both identified concerns related to the rationale and purpose of the requirements of the concrete or asphalt parking area. Both indicated that the temporary nature of the need for the gravel area was reasonable for the intended purposes. They both indicated that the three (3) year time frame was reasonable as well.
- 6) The undersigned takes judicial notice of the City of Troy Zoning Code and finds it to be presumptively valid under Illinois law. That at no time did Applicants submit any testimony, evidence and/or argument that the Code, and/or the specific provisions at issue herein, were and/or are in any way invalid. The undersigned further takes judicial notice of relevant public records.
- 7) The undersigned notes that City Zoning Code Section 154.082 requires that all parking areas shall be improved with either asphalt or concrete.
- 8) The undersigned finds that requiring the Applicant to install a concrete parking area for the entirety of the area while the storage facility would unreasonably limit the reasonable return on the property in question as the intended use would be to have concrete installed and then removed when the next building is constructed and drastically diminishing the use of the property beyond what is contemplated by the requirements of the Code. The undersigned further finds that this anomaly is due to unique circumstances of the intended use of the property by the Applicant and the long-term plan for additional improvements on the property. The undersigned further finds that allowing for the temporary use of gravel areas would likely help Applicant generate revenue to fund the additional construction phases in a more expeditious manner. The undersigned further finds that the variance, if granted, would not alter the essential character of the locality so long as the gravel storage area is used solely for appropriate storage items (such as boats or RVs) and/or construction materials and only until such time as the Applicant is still undertaking to construct the permanent storage facilities.

Accordingly, after considering all the testimony and evidence, and after assessing the credibility of the witnesses, the undersigned finds that the Application for Zoning Variance sought herein is hereby GRANTED in part.

It is further noted that the undersigned specifically limits the variance that it shall last for a period not to exceed three (3) years unless renewed or included in the approval of a future expansion project. Finally, the variance should not extend to future owners.

On a separate note, a discrepancy was found with the Zoning Variance Application which should be resolved if the variance is approved by the City. The application lists Kent Higgins as the property owner. However, public records identify the property owner as "H3 Farm Enterprise, LLC." The registered agent and manage is Kent Higgins, who signed on behalf of the property owner. This discrepancy does not appear to impact the substance of the application as the proper persons signed the application.

ENTERED this 23rd day of January, 2026.



Luke A. Behme, Esq.
City of Troy Zoning Hearing Officer

From: [Ann Byrd](mailto:Ann_Byrd)
To: "classified@timestribunenews.com"
Subject: RE: ADD
Date: Wednesday, January 7, 2026 11:45:00 AM

Thank you!

From: Times Tribune <classified@timestribunenews.com>
Sent: Wednesday, January 7, 2026 11:06 AM
To: Ann Byrd <AByrd@trovil.us>
Subject: RE: ADD

Attached is the certificate of publication and the invoice. Please let me know if you need anything else.

Thank you,
Troy Times-Tribune
The Troy Times Tribune

From: "Ann Byrd" <AByrd@trovil.us>
Sent: 1/5/26 9:21 AM
To: "classified@timestribunenews.com" <classified@timestribunenews.com>
Subject: RE: ADD

Please find the attached Notice to be published in the paper for the January 8 addition.

Thank you!

Ann

From: Times Tribune <classified@timestribunenews.com>
Sent: Monday, January 5, 2026 8:10 AM
To: Ann Byrd <AByrd@trovil.us>
Subject: RE: ADD

Yes. Our deadline is 5pm every Monday for the following Thursday.

Thank you,
Troy Times-Tribune
The Troy Times Tribune

From: "Ann Byrd" <AByrd@trovil.us>
Sent: 1/5/26 8:02 AM
To: "Times Tribune" <classified@timestribunenews.com>
Subject: ADD

Is there any way to run a public hearing add for this week still?

Ann Byrd, MPA

City of Troy, Building and Zoning Director

(618) 667-8734

www.troyil.us

Better Newspapers Inc
Troy Times Tribune
PO Box C
MASCOUTAH IL 62258
618-654-4459
www.timestribunenews.com

BETTER ● ● ● ●
● NEWSPAPERS

Invoice

CITY OF TROY
 116 EAST MARKET ST.
 TROY, ILLINOIS 62294-1599

Date	Invoice #
1/8/2026	1070044

P.O. No.	Terms
	Net 30

Description	Qty	Rate	Amount
Notice of Public Hearing - Kent Higgins/ H3 Farm Enterprise LLC - BUILDING AND ZONING - ANN BYRD		32.80	32.80
The amount stated on the invoice is the cash/check price. For credit card add 4%			Total \$32.80
			Payments/Credits \$0.00
			Balance Due \$32.80

Please Return This Portion With Your Payment

CITY OF TROY
 116 EAST MARKET ST.
 TROY, ILLINOIS 62294-1599

Email Address

Invoice #	1070044
Balance Due	\$32.80
Invoice Date	1/8/2026
Due Date	2/7/2026

Please Remit Payment To:

Times Tribune
 Better Newspapers, Inc.
 P.O. Box C
 Mascoutah, IL 62258

END OF DOCUMENT