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**CITY OF TROY
RESOLUTION 2026-32**

CTY 50

**A RESOLUTION ACCEPTING THE FINDINGS OF THE
ZONING HEARING OFFICER AND DENYING A VARIANCE
REQUEST FOR PROPERTY LOCATED AT 430
EDWARDSVILLE ROAD, TROY, ILLINOIS**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF TROY, ILLINOIS
ON THIS 6TH DAY OF JULY 2026**

RESOLUTION NO. 2026-32

A RESOLUTION ACCEPTING THE FINDINGS OF THE ZONING HEARING OFFICER AND DENYING A VARIANCE REQUEST FOR PROPERTY LOCATED AT 430 EDWARDSVILLE ROAD, TROY, ILLINOIS

WHEREAS, Grant Ramsey of AAIC, Inc., on behalf of property owner Arjun Shrestha ("Applicant"), filed a Zoning Variance Application with the City of Troy on May 13, 2026, requesting a variance from the maximum building height requirements of Section 154.032 of the Troy City Code for property commonly known as 430 Edwardsville Road, Troy, Illinois; and

WHEREAS, the subject property is zoned C-2 General Commercial District, which limits principal structures to a maximum height of two (2) stories above grade; and

WHEREAS, Applicant seeks approval to construct a three-story hotel on the subject property; and

WHEREAS, notice of the public hearing was provided in accordance with 65 ILCS 5/11-13-6, 65 ILCS 5/11-13-7, and the Troy City Code through publication and mailed notice to surrounding property owners; and

WHEREAS, a public hearing was conducted on June 11, 2026, before Luke A. Behme, Esq., acting as the duly appointed Zoning Hearing Officer for the City of Troy; and

WHEREAS, testimony and evidence were presented by the Applicant, City staff, and members of the public; and

WHEREAS, on June 23, 2026, the Zoning Hearing Officer issued written Findings of Fact and Recommendation finding that the Applicant failed to satisfy the standards required for the granting of a variance pursuant to Section 154.158 of the Troy City Code and Illinois law; and

WHEREAS, the City Council has reviewed the Findings of Fact, Recommendation, hearing record, and evidence submitted in connection with the Application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROY, ILLINOIS, AS FOLLOWS:

1. The foregoing recitals are incorporated herein as though fully set forth.
2. The City Council hereby adopts and incorporates the Findings of Fact and Recommendation of the Zoning Hearing Officer dated June 23, 2026, as its own findings.
3. The City Council specifically finds:
 - A. The applicant failed to establish that strict application of the Troy City Code would deprive the property of a reasonable use or reasonable return.
 - B. The evidence demonstrated that the property may be developed in compliance with the existing C-2 General Commercial District regulations and that the requested variance is primarily intended to increase the economic feasibility of the proposed development.
 - C. Economic hardship or a desire to maximize development potential does not constitute the practical difficulty or particular hardship necessary to justify the granting of a variance.
 - D. The easements affecting the property do not constitute a unique physical condition creating a hardship sufficient to warrant relief from the height limitations applicable to all similarly situated properties within the district.

E. The requested variance would permit a building height exceeding that contemplated by the C-2 General Commercial District regulations and would be inconsistent with the zoning framework established by the City Council.

F. The applicant failed to establish that the requested variance is the minimum relief necessary to alleviate any claimed hardship.

G. The applicant failed to establish all required standards for the granting of a variance under Section 154.158 of the Troy City Code.

4. The Application requesting a variance from Section 154.032 of the Troy City Code to permit construction of a three-story hotel at 430 Edwardsville Road is hereby DENIED.

5. Should any section, paragraph, sentence, clause, or provision of this Resolution be declared invalid, the remainder shall remain in full force and effect.

6. This Resolution shall be in full force and effect immediately upon its passage and approval according to 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 6th day of July, 2026.

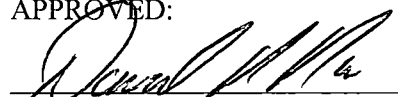
Aldermen Vote:

Dan Dawson ✓
Tim Flint ✓
Elizabeth Hellrung ✓
Nathan Henderson ABSENT

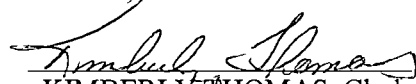
Sam Italiano ✓
Debbie Knoll ✓
Heather Stirling ✓
Troy Turner ✓

Ayes: 7
Nays: 0
Absent: 1
Abstain: 0

APPROVED:


DAVID NONN, Mayor
City of Troy, Illinois

ATTEST:


KIMBERLY THOMAS, Clerk
City of Troy, Illinois



City of Troy, Illinois
Hearing Officer Findings of Fact & Decision
430 EDWARDSVILLE ROAD
PPIN: 09-2-22-09-05-101-002,
09-2-22-09-05-101-008,
09-2-22-09-05-101-003.015,
09-2-22-09-05-101-003.016

On May 13, 2026, Grant Ramsey/AAIC Inc. (hereinafter "Applicant") filed a Zoning Variance Application (hereinafter "Application") with the City's Building & Zoning Department seeking a variance on the above-referenced parcels located at 430 Edwardsville Road (hereafter "Property"), with the owner of the identified property being Arjun Shrestha. The variance sought by Applicant is to allow the construction of a hotel with a third story. The City of Troy Planning Commission has not previously approved any plans regarding the project nor has a Special Use Permit been issue to allow for a hotel on this property.

On May 28, 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, June 11, 2026, at 2:00 p.m. at Troy Municipal Building.

On May 28, 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, June 11, 2026, at 2:00 p.m. at Troy Municipal Building.

Pursuant to the forgoing statutory notice, the undersigned conducted the public hearing on the Application on Thursday, June 11, 2026, at 2:00 p.m. at Troy City Hall. Grant Ramsey 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. Several members of the public were present at the public hearing and two residents, Dan Muench and Jennifer Mett, spoke in opposition of the variance.

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, June 11, 2026, at 2:00 p.m. at Troy Municipal Building and conducted by the undersigned.
- 3) Applicant is seeking a variance to allow for a three-story hotel. The property is zoned C-2 General Commercial and the intended use is not inconsistent with the character of that zone as a hotel is allowed as a special use.
- 4) Applicant offered the sworn testimony of Grant Ramsey. Mr. Ramsey is the architect on the project on behalf of the owner of the Property. He stated that the owner had examined several different potential uses for the Property which is currently a vacant lot. Mr. Ramsey stated that one of the issues with the Property is that there are two easements that limit the ability to build on a portion of the property. Mr. Ramsey testified that the hotel concept would work best as a four story but could be economically feasible as a three-story building. Mr. Ramsey indicated that neither the several other mixed-use types of buildings considered nor a two-story hotel would not be economically viable.
- 5) The City offered the testimony of Ann Byrd and Jay Keeven. Both identified concerns related to the height of the proposed building and the area proposes. It was identified that other zones would allow for up to four stories and that a hotel might be more appropriate in those areas. They both indicated that the City did not take a strong position on the request for variance.
- 6) Two residents that live near the Property spoke in opposition of the project. Dan Muench testified that the back of his house faces the property. He had concerns about the three-story building blocking his views from his property and about the types of clientele that would be brought to the neighborhood by the proposed hotel. He also raised concerns about the impact the hotel would have on property values since it abuts residential areas. Jennifer Mett testified that she also lives near the Property and raised similar concerns as Mr. Muench. She also expressed concerns about safety for her grandchild and other children in the area.
- 7) 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.
- 8) The undersigned notes that City Zoning Code Section 154.032 permits a maximum principal building height of two (2) stories above grade within the C-2 General Commercial District.
- 9) The undersigned finds that requiring the Applicant to limit construction to a maximum of two (2) stories above grade would not unreasonably limit the reasonable return on the property in question as the intended use is an exception to the rule for what is

allowed in a C-2 District and the Property is currently vacant. Requiring Applicant to either design a viable hotel or other structure that complies with the maximum height provision of the Code would not drastically diminish the use of the property beyond what is contemplated by the requirements of the Code. The undersigned further finds that this proposed use is more properly located in other zoning districts which is the inherent purpose of the zoning districts. The undersigned further finds that the easements on the Property do not create a unique plight for the Applicant or the owner. The undersigned further finds that the variance, if granted, would possibly alter the essential character of the locality as it the areas is mostly retail and similar businesses next to residential areas by introducing more transient type individuals in an area that is not specifically intended to be such.

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 DENIED in part.

ENTERED this 23rd day of June, 2026.

Luke A. Behme

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

END OF DOCUMENT