



DocId:8936329

Tx:4631836

**Return to:**

City Clerk  
116 E. Market Street  
Troy, Illinois 62294

2024R23787  
STATE OF ILLINOIS  
MADISON COUNTY  
08/28/2024 10:24 AM  
LINDA A. ANDREAS  
CLERK & RECORDER  
REC FEE: 50.00  
CO STAMP FEE:  
ST STAMP FEE:  
FF FEE:  
RHGFS FEE:  
# OF PAGES: 21



50 CTY

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**Ordinance No. 2024 - 48**

An Ordinance to Adopt the Zoning Hearing Officer's Decision  
Granting EJ Equipment at 1920 Formosa Road Variance 2024-02ZHO

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ADOPTED BY THE CITY COUNCIL  
OF THE CITY OF TROY, ILLINOIS

THIS FIFTH DAY OF AUGUST 2024

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**WHEREAS**, attached is the City Zoning Hearing Officer's Decision on Variance 2024-02ZHO (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 EJ Equipment at 1920 Formosa Road).

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Troy, Madison County, Illinois as follows:

L Taake 8/5/24

DR

Section 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.

Section 2: That the City Council hereby adopts the Decision in its entirety (granting in part the variance sought by EJ Equipment at 1920 Formosa Road).

Section 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.

Section 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 fifth day of August 2024.

Aldermen:

Dawson AYE

Flint AYE

Hellrung AYE

Henderson ABSENT

Italiano AYE

Knoll AYE

Manley AYE

Turner AYE

Total:


7 Ayes

0 Nays


0 Abstains



**APPROVED:**

  
\_\_\_\_\_  
David Nonn, Mayor,

**ATTEST:**

  
\_\_\_\_\_  
Kimberly Thomas, City Clerk

City of Troy, Illinois  
Hearing Officer Findings of Fact & Decision  
1920 FORMOSA ROAD  
PPIN: 09-1-22-08-00-000-002.003

On May 24, 2024, EJ Equipment (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 identified the property owner as Ed LeSage. The variance sought by Applicant is to allow the use of a gravel parking area instead of a fully paved parking area for a new line of heavy construction equipment to be sold by EJ Equipment at this location. Applicant had previously filed on April 22, 2024, a request for a variance allowing for the equipment to be parked on the grass area. A hearing on said prior application was held on May 16, 2024, but the application was withdrawn prior to ruling.

On June 3, 2024, 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 Friday, June 21, 2024, at 1:00 p.m. at Troy Municipal Building.

On June 3, 2024, 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 Friday, June 21, 2024, 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 Friday, June 21, 2024, at 1:00 p.m. at Troy City Hall. Craid Suhre, a territory manager for EJ Equipment, presented sworn testimony in support of the Application on behalf of Applicant. 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 Administrative Coordinator, Linda Taake, as well as the City Administrator, Jay Keeven. The City's Building Inspector, Todd Kapp, testified at the hearing on the prior application. No members of the public were present at either public hearing or 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 (1<sup>st</sup> 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 Friday, June 21, 2024, 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 for new SUNY heavy construction equipment, specifically ones that have metal tracks.
- 4) Applicant offered the sworn testimony of Craig Suhre. Mr. Suhre stated that the intended use of parking the heavy metal tracked equipment would accelerate the wear and tear on concrete as opposed to gravel. He further stated that this gravel area was intended to be used solely by EJ Equipment to park the heavy equipment for an interim period. Mr. Suhre provided plans for future expansion of the operations building and concrete parking area. Mr. Suhre indicated that the construction would impact the need for the gravel parking area and was expected to be completed within two (2) years.
- 5) The City offered the testimony of Linda Taake and Jay Keeven. Both identified concerns related to the rationale and purpose of the requirements of the concrete or asphalt parking area. Both further raised concerns as to the timeframe for the use of the gravel parking area in light of the planned construction and improvements. Mr. Todd Kapp did acknowledge in the prior hearing that the parking of the heavy metal tracked equipment would have a deteriorating effect on concrete as opposed to gravel. The City also provided pictures of the subject property showing equipment parked on the grass area, some of which was smaller or did not appear to be of a type that would cause damage to a concrete parking area.
- 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 further notes that a proposed gravel area was discussed during the hearing that fulfilled the Applicant's needs and addressed the concerns of the City. **Said area began with a line Twenty (20') feet west (in front) of the current building and running north to the property line and the east along the north property line to the east line or back of the property. It was discussed that this "L" shape would be no wider than Fifty (50') feet.** It was believed that this would allow Applicant to park the equipment along the north line of the property along with having a gravel driveway to get the equipment to the parking area. Said limits would maintain the grass area closer to Formosa Road at least until the future construction was approved and completed.
- 9) The undersigned finds that requiring the Applicant to install a concrete parking area for the heavy metal tracked equipment would unreasonably limit the reasonable return on the property in question as the intended use would cause extraordinary damage to the




concrete and drastically diminishing the anticipated life of the concrete 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 the variance, if granted, would not alter the essential character of the locality so long as the gravel storage area is used solely for EJ Equipment for the parking of the heavy and/or metal tracked equipment.

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 to allowing for the gravel parking area to be utilized by EJ Equipment should be limited to the area identified in Paragraph 8 above. In addition, ~~the variance shall last for a period not to exceed two (2) years unless renewed or included in the approval of the future expansion project. Further, the use of the gravel parking area should be limited to the heavy SUNY equipment that would damage the existing concrete, specifically the metal tracked machines. No other equipment or vehicles should be parked in an area other than concrete parking areas.~~ Finally, the variance should not extend to ~~future owners or if the area should cease to be used for processing or storage of re-bar.~~ <sup>2. Nu-way</sup>

On a separate note, two discrepancies were found with the Zoning Variance Application which should be resolved if the variance is approved by the City. First, the entity "EJ Equipment" does not appear to be a company registered with the Illinois Secretary of State. However, the check attached to the application was for "E.J. Equipment, Inc." with the registered president being Kerry LeSage. Kerry LeSage appears to be the person who signed the application on behalf of the Applicant. Second, the application lists Ed LeSage as the property owner. However, public records identify the property owner as "St. George Ag Service, Inc." The registered president is Ed LeSage, who signed on behalf of the property owner. These discrepancies do not appear to impact the substance of the application as the proper persons signed the application.

ENTERED THIS 26<sup>th</sup> day of June, 2024.

  
\_\_\_\_\_  
Luke A. Behme, Esq.  
City of Troy Hearing Officer

Todd Kapp's  
Erendition

Perimeter: 0.1 Miles

1920  
Equipment





**Friday, June 21, 2024**

**Public Hearing - Variance Requested at 1920 Formosa Road (EJ Equipment)**

**City of Troy**

**Public Hearing with Zoning Officer**

**The Meeting is held in the Council Chambers, City Municipal Building, 116 East Market Street, Troy, Illinois 62294**

**1:00pm**

**A. Agenda Items**

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1. Call to Order with the Pledge of Allegiance -1:00pm
2. Roll Call in Alphabetical Order
3. Zoning Officer's Presentation and Discussion of Petition from EJ Equipment requesting a variance for property located at 1920 Formosa Road (PPID # 09-1-22-08-00-000-002.003) which is zoned C-3 Highway Commercial. The applicant is requesting a variance to allow the use of a a rock/gravel area for equipment parking as opposed to Section 154.082 Parking Surfaces of the Troy Zoning Ordinance that requires all newly constructed off-street parking areas to be striped, graded, and improved with either asphalt or concrete to specific standards as detailed in said section.
4. Zoning Officer's Request for Anyone Wishing to Speak During the Hearing to Sign In
5. Swearing in of Persons Who Wish to Speak
6. Comments of Petitioner and/or Representative (or Attorney, if Present)
7. Comments from Members of the Audience
8. Zoning Officer's Approval or Denial of Applicant's Request
9. Adjournment



# VISITOR SIGN IN SHEET

Meeting: Zoning Officers Hearing - EJ EQUIPMENT Date: 6-21-24

	NAME (PLEASE PRINT)	ADDRESS (PLEASE PRINT)	TIME
1	CRAIG SUHRE	1920 FORMOSA RD	1:00PM
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Zoning Hearing Officer on Friday, June 21, 2024, at 1:00 p.m., in City Council Chambers at the Troy Municipal Building, 116 E. Market Street, Troy, Illinois.

EJ Equipment located at 1920 Formosa Road (PPID # 09-1-22-08-00-000-002.003) which is zoned C-3 Highway Commercial is requesting a variance to allow the use of a rock/gravel area for equipment parking as opposed to Section 154.082 Parking Surfaces of the *Troy Zoning Ordinance* which requires all newly constructed off-street parking areas to be striped, graded, and improved with either asphalt or concrete to specific specifications as detailed in said section.

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

This hearing is open to public comment. All interested persons are invited to attend this hearing and be heard. If you have questions concerning this application please contact the Building & Zoning Department at 618-667-8734 ext. 4 or [buildingzoning@troyil.us](mailto:buildingzoning@troyil.us).

Linda Taake  
Building & Zoning  
Administrative Coordinator

Public Notified: June 3, 2024

Media Notified: June 3, 2024



# ZONING VARIANCE APPLICATION

www.troyil.us

Everything Within Reach

Please PRINT using ONLY BLUE or BLACK INK

4

OFFICE WILL ASSIGN: Variance Permit #: \_\_\_\_\_

## 1. Applicant Information:

Name: EJ Equipment Phone #: 815-953-3700  
Address: 1920 Formosa Rd, Troy, IL 62294  
Email: ed@ejequipment.com

## 2. Property Interest of Applicant:

Property Owner     Contract Purchaser     Leaseholder     Other: \_\_\_\_\_

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

Name: Ed LeSage Phone #: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_

## 4. Property Location:

Address: 1920 Formosa Rd, Troy, IL 62294

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

Lot # 09-1-22-08-00-000-002.003 Subdivision: \_\_\_\_\_

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

Land Use: Highway Commercial  
Zoning District: C-3

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

Parking of equipment will be on ~~grassy unpaved areas~~ rock/gravel at a base per city engineers recommendation.

## 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 Pavement durability with tracked equipment

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

EJ Equipment will begin selling construction (tracked) equipment. With the additional equipment, EJ Equipment is requesting a variance to allow the equipment to be parked in unpaved areas. Can the unpaved areas be utilized for the use of parking the equipment on?

Administration: 618 667 6741 Fax: 618 667 4009 | Public Works Dept.: 618 667 9924 | Building & Zoning Dept.: 618 667 8734

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

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**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?**

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**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.**

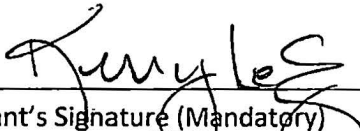
***This list of surrounding property owners must be obtained from Madison County.***

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.**

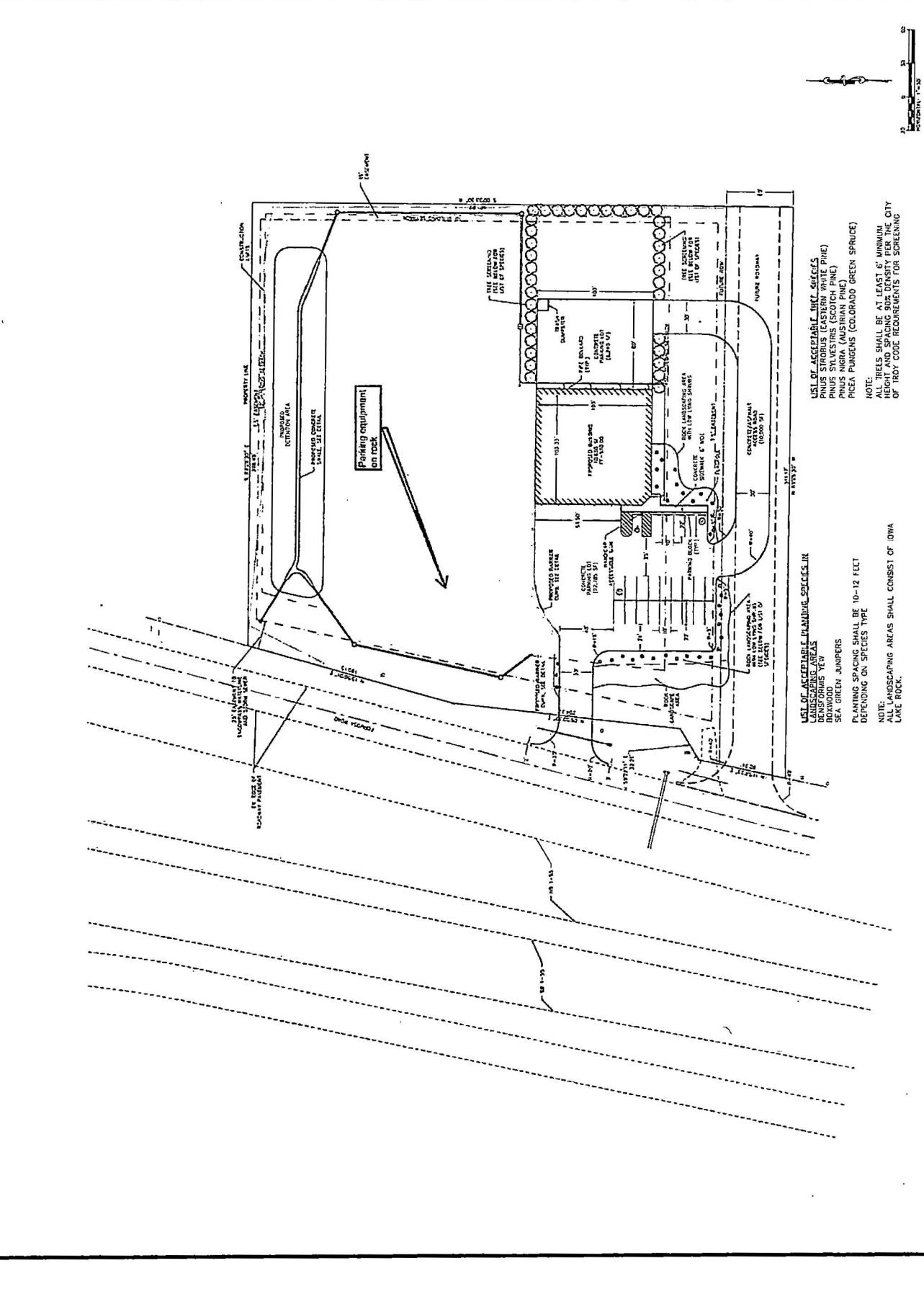
  
Applicant's Signature (Mandatory)

May 24 2024  
Date

  
Property Owner's Signature (Mandatory)

5/24/24  
Date

<b>FOR OFFICE USE ONLY</b>	
DATE \$500 PAID <input type="checkbox"/> Cash <input type="checkbox"/> Check	Check #
DATE OF PUBLIC HEARING	<input type="text"/>
NOTICE SENT TO SURROUNDING PROPERTY OWNERS	Receipt #
NOTICE PUBLISHED IN THE TIMES TRIBUNE	<input type="text"/>
NOTICE POSTED ON BULLETIN BOARD/WINDOW & WEBSITE	
<b>ZONING HEARING OFFICER RULING</b>	
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE OF DETERMINATION <input type="text"/>
<b>TROY CITY COUNCIL REVIEW</b>	
<input type="checkbox"/> NOT APPLICABLE	
<input type="checkbox"/> DENIED	
<input type="checkbox"/> APPROVED	
<input type="checkbox"/> APPROVED WITH MODIFICATION	
DATE OF DETERMINATION <input type="text"/>	



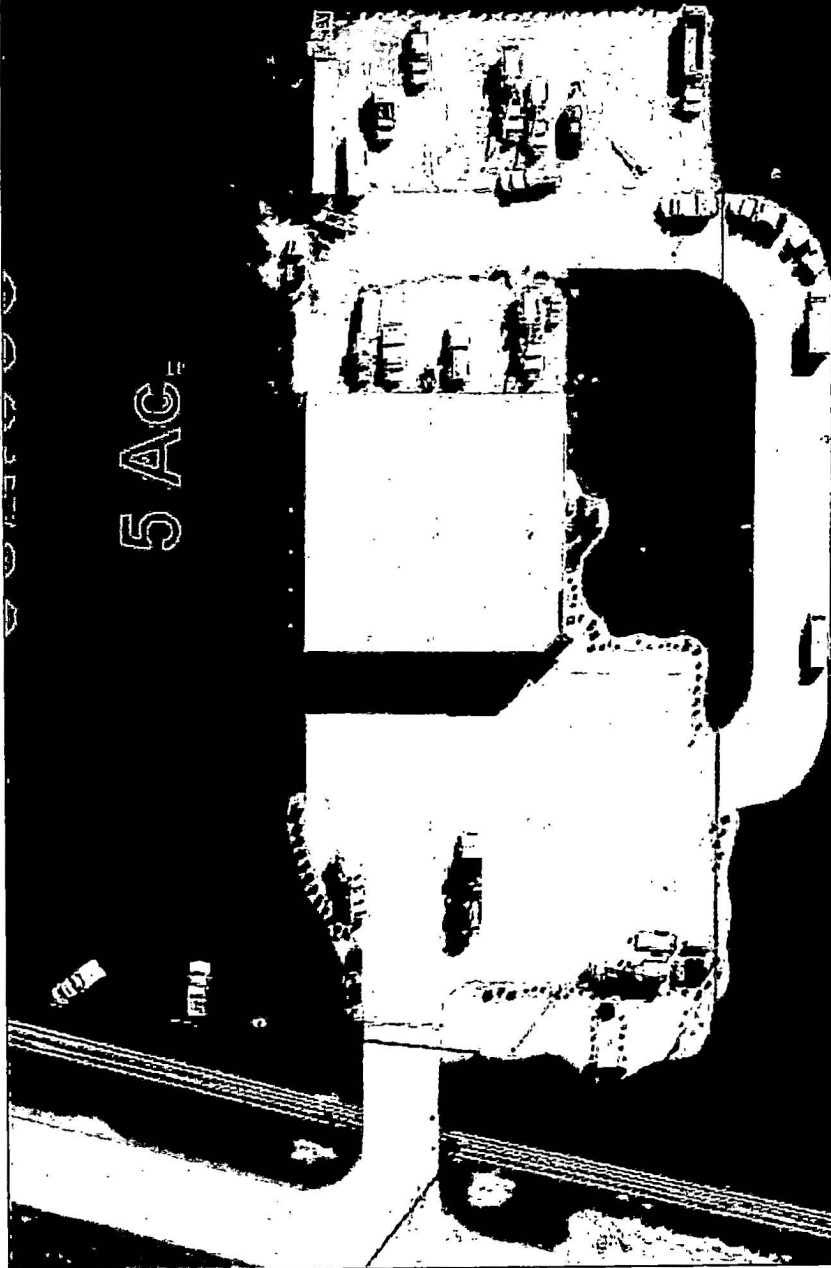
**LIST OF ACCEPTABLE PLANTING SPECIES IN LANDSCAPING AREAS**  
 DENSIFORMIS YEW  
 EASTERN RED CEDAR  
 SEA GREEN JASMINE  
 PLANTING SPACING SHALL BE 10-12 FEET  
 DEPENDING ON SPECIES TYPE  
 NOTE:  
 ALL LANDSCAPING AREAS SHALL CONSIST OF IOWA LAKE ROCK.

**LIST OF ACCEPTABLE TREE SPECIES**  
 PINUS STROBUS (EASTERN WHITE PINE)  
 PINUS SYLVESTRIS (SCOTCH PINE)  
 PINUS NIGRA (AUSTRIAN PINE)  
 FRAXA PYRAMEX (COLORADO GREEN SPRUCE)  
 NOTE:  
 ALL TREES SHALL BE AT LEAST 6" MINIMUM CALIPER  
 ALL TREES SHALL BE AT LEAST 10' MINIMUM  
 HEIGHT AT THE TIME OF PLANTING  
 CITY OF TROY CODE REQUIREMENTS FOR SCREENING



EJ Equipment

5 AC



Date: 5/20/2024  
Time: 3:35 PM



Author:  
Copyright: Madison County Government



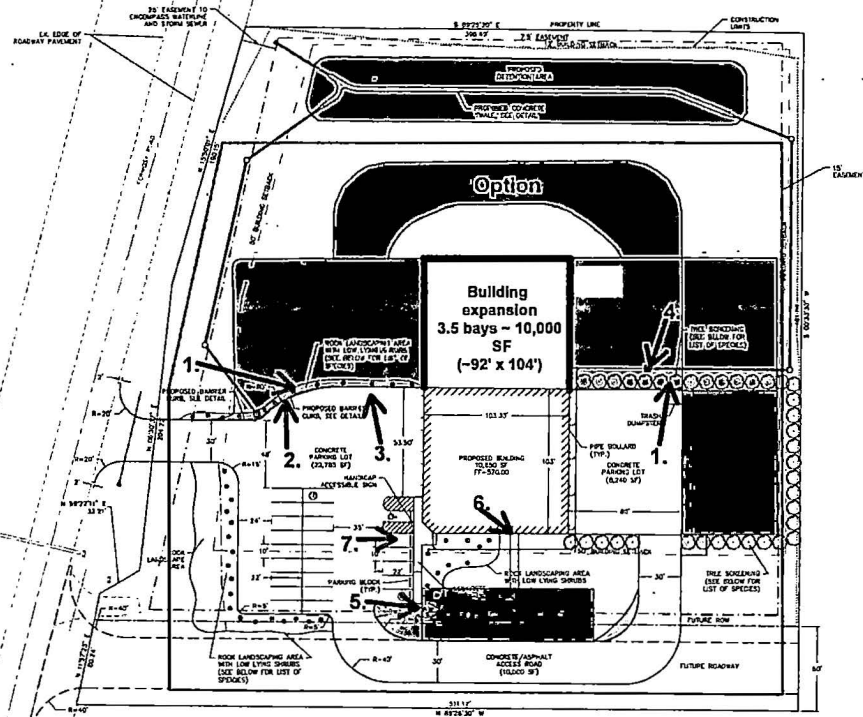
- 1 - Concrete Pavement - 32,904 SF
- 2 - Existing Detention area - 14,001 SF
- 3 - Concrete Pavement (Possible ALT) - 6,918 SF
- 4 - Concrete Pavement (Employee Parking) - 4,487 SF
- 5 - Fence (Operated Gate @ Entrance) - 1,616 LF
- 6 - Sidewalk - 40 LF
- 7 - Concrete Pavement (Possible ALT) - 6,399 SF
- 8 - Loading Dock (Possible ALT) - 746 SF
- 9 - Dumpster Pad - 268 SF

**Drawing Notes:**

1. Landscape demo
2. Curb demo
3. Relocate light pole
4. Rework Storm Sewer
5. Demo/Rework landscape
6. New emergency exit door
7. New ADA parking space

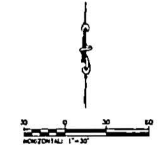
**Notes:**

1. New concrete - 8" un-reinforced portland cement concrete w/ 4" aggregate base (type b)
2. Existing detention area - will probably need to double in size



LIST OF ACCEPTABLE PLANTING SPECIES IN LANDSCAPING AREAS  
 DENSYRHMIS YEW  
 BOXWOOD  
 SEA GREEN JUIPPERS  
 PLANTING SPACING SHALL BE 10-12 FEET DEPENDING ON SPECIES TYPE.  
 NOTE:  
 ALL LANDSCAPING AREAS SHALL CONSIST OF IOWA LAKE ROCK.

LIST OF ACCEPTABLE TREE SPECIES  
 PINUS STROBUS (EASTERN WHITE PINE)  
 PINUS SYLVESTRIS (SCOTCH PINE)  
 PINUS NIGRA (AUSTRIAN PINE)  
 PICEA PUNGENS (COLORADO GREEN SPRUCE)  
 NOTE:  
 ALL TREES SHALL BE AT LEAST 6' MINIMUM HEIGHT AND SPACING 90X DENSITY PER THE CITY OF TROY CODE REQUIREMENTS FOR SCREENING.



**RossBaruzzini**

ARCHITECTURAL & CIVIL ENGINEERING  
 4 SOUTH OGDON ROAD  
 TROY, OHIO 45373  
 (513) 233-1111  
 www.rossbaruzzini.com

PROJECT:  
 EJ EQUIPMENT ROAD  
 1920 FORMOSA ROAD  
 TROY, IL

DATE: 9/11/2023  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]

SCALE: 1" = 30'

SHEET NO. C300

**Troy Times Tribune**

Legal Notice

Run Date(s): June 6

**Certificate of Publication**

The **Troy Times Tribune** is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the city of **Troy**, county of **Madison**, State of Illinois, is of general circulation throughout that county and surrounding areas, and is a newspaper as defined by 715 ILCS 5/5.

This notice, a copy of which is attached, was published 1 times in **Troy Times Tribune**, one time per week for 1 week(s).

The first publication of the notice was made in the newspaper, dated and published on 6/6 and the last publication was 6/6.

Troy Times Tribune has signed this certificate by its registered agent.

Troy Times Tribune  
By:

Registered Agent

Date: June 6, 2024

Publication Charge: \$ 38.40

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN**

that a public hearing will be held before the Zoning Hearing Officer on

Friday, June 21, 2024, at 1:00 p.m., in City Council Chambers at the Troy Municipal Building, 116 E.

Market Street, Troy, Illinois. EJ Equipment located at 1920 Formosa Road (PPID # 09-1-22-08-00-000-002.003) which is zoned

C-3 Highway Commercial is requesting a variance to allow the use of a rock/gravel area for equipment parking as opposed to Section 154.082 Parking Surfaces of the Troy Zoning Ordinance

which requires all newly constructed off-street parking areas to be striped, graded, and improved with either asphalt or concrete to specific specifications as detailed in said section.

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

Troy, Illinois.

This hearing is open to public comment. All interested persons are invited to attend this hearing and be heard. If you have

questions concerning this application please contact the Building &

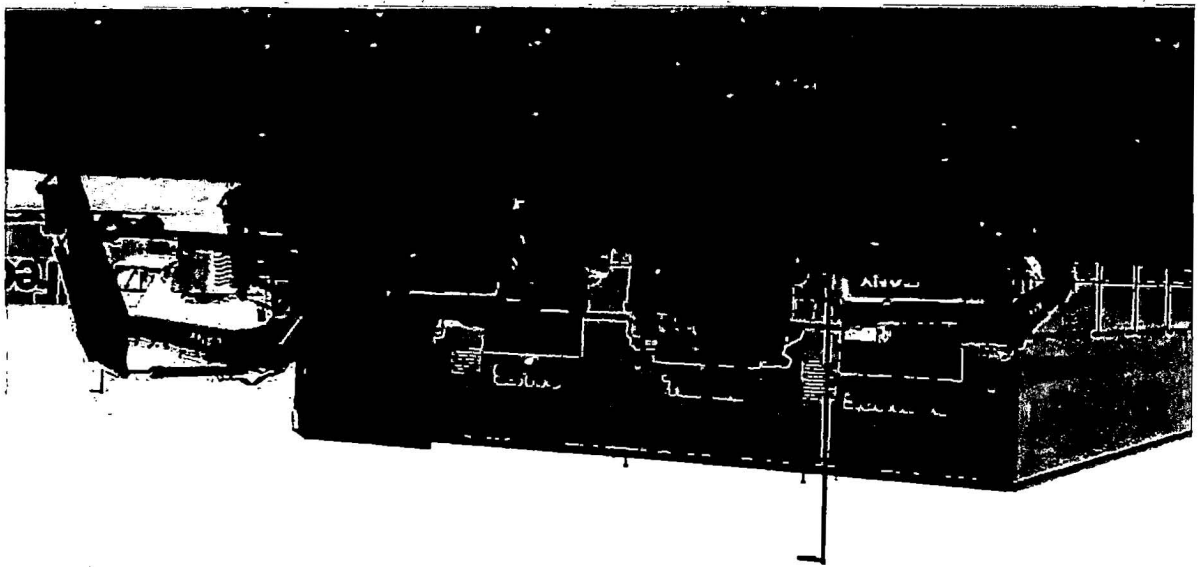
Zoning Department at 618-667-8734 ext. 4 or buildingzoning@trojil.us.

Linda Taake

Building & Zoning

Administrative Coordinator

6/6c

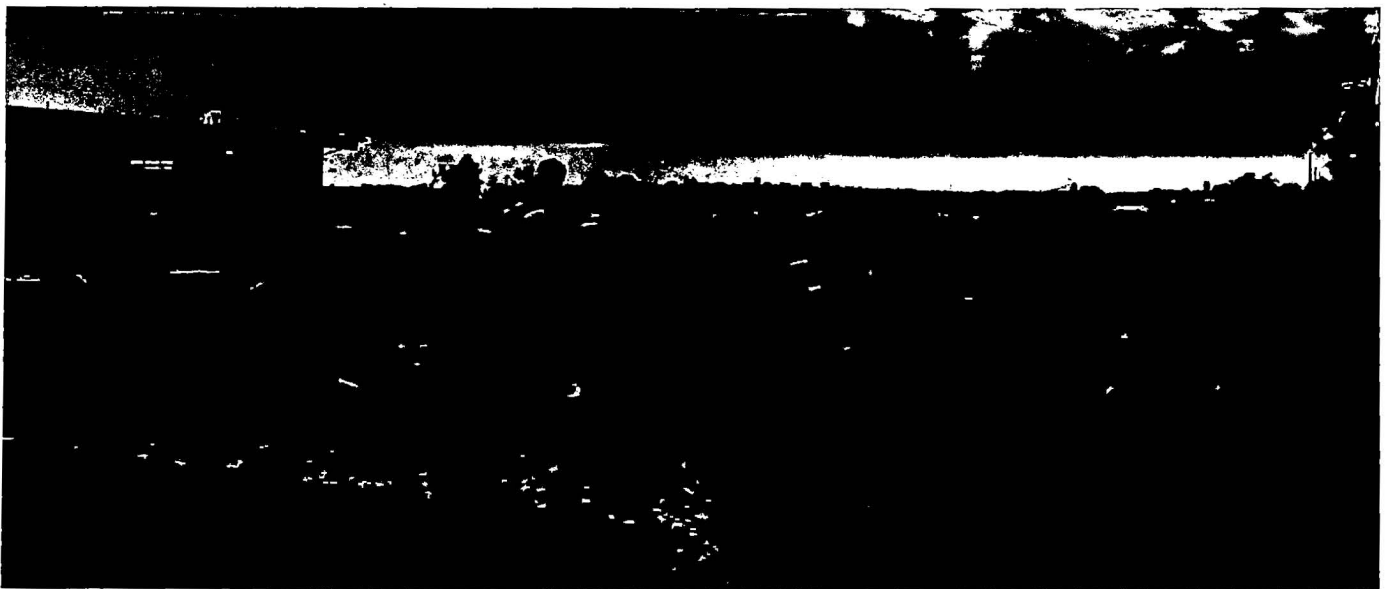




EJ – behind the building



Fabick



Fabick







Ed LeSage  
 Ed@ejequipment.com  
 D: 815-468-0245  
 C: 815-953-3700

O: 800-522-2808  
 920 W National Ave  
 Addison, IL 60101  
 www.ejequipment.com

certified  
 WBENC



CRAIG SUHRE  
 craig@ejequipment.com  
 www.ejequipment.com

STREET & SEWER EQUIPMENT SPECIALISTS  
 SALES • SERVICE • PARTS

Cell (618) 972-1696  
 Toll Free (800) 522-2808  
 Office (618) 254-3249

EJ South Facility  
 1920 Formosa Road  
 Troy, IL 62294

**CITY OF TROY**

116 E. MARKET  
 TROY, ILLINOIS 62294  
 618-667-8734  
 www.troyil.us

RECEIVED OF EJ EQUIPMENT

ADDRESS D.O. Box 665

CITY MANTENO, IL 60950

QUAN:	CASH	CHECK	DATE	DESCRIPTION	AMOUNT
		34013	5/24/24	BIDG. PERMIT	
				OCCUPANCY PERMIT	
				SIGN PERMIT	
				BUSINESS REG.	
				BUSINESS INSP.	
				LIQUOR LICENSE	
				PUBLIC HEARING	
				WATER USE	500.00
					19.80

0003774

Rec'd By [Signature]  
 6610117946 RR Donkeydy 62016 All rights reserved - 0567

24013

**E J EQUIPMENT, INC.**  
 P.O. BOX 665  
 MANTENO, IL 60950

**SBH**  
 State Bank of Herscher  
 Herscher - Lincoln  
 70-1072/719

My 22 2024

\$500.00

DOLLARS

PAY TO THE ORDER OF

City of Troy

Five hundred and 00/100

[Signature]  
 AUTHORIZED SIGNATURE

MEMO

⑈024013⑈ ⑆071910721⑆

718 823⑈

END OF DOCUMENT

FD Security features. Details on back.