

**GRANTING A REZONING, CONDITIONAL PERMITTED USE WITH  
CONDITIONS, AND A VARIANCE  
FOR CERTAIN PROPERTY LOCATED AT  
10875 E. STATE RT. 29, BRECKENRIDGE  
SANGAMON COUNTY, ILLINOIS**

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **grant a rezoning, Conditional Permitted Use with conditions, and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Whiskey Ridge Saloon, LLC**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 2,700 square feet); and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and, for Parcel 2: pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 17, 2024** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and,

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant a rezoning, Conditional Permitted Use with conditions, and a variance; and,**

**FILED**

OCT 23 2024

*Don J. King*  
Sangamon County Clerk

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **12<sup>th</sup> Day of November, 2024** that the following requests on the above described property are hereby approved:

- Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 2,700 square feet) with the following conditions:
  - 1) The tavern is limited to approximately 2,700 square feet as indicated on the site plan in the petition, and
  - 2) The hours of operation are limited to the Sangamon County Liquor Ordinance; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat for a period not to exceed one (1) year; and,

**For Parcel 2:**

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District.

Signed and passed by the Sangamon County Board in session on this **12<sup>th</sup> day of November, 2024.**

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

**Exhibit A**

Parcel 1: Lots 1-5 in Block 1 of the Town of Breckenridge, Except that part taken for Highway purposes, as per Plat Recorded in Book 36, Page 640, situated in Sangamon County, Illinois; and vacated Third Street between the North right of way line of Route 29 and the South right of way line of Main Street, all in Sangamon County, Illinois.

Except the coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals.

Situated in Sangamon County, Illinois.

Parcel Number: 31-05.0-235-010

AND

Parcel 2: Part of the Fractional Northeast Quarter of Section 5, Township 14 North, Range 3 West of the Third Principal Meridian, Sangamon County, Illinois further described as: Beginning at a stone at the Southeast corner of the Northeast Quarter of the of the Northeast Quarter of section 5, Township 14 North, Range 3 West of the Third Principal Meridian and running thence North along the East boundary line of said Quarter Quarter Section 1381.53 feet to a stone at the Northeast corner of said Section; thence West along the North boundary line of said Quarter Quarter Section 579.80 feet to a point in the East line of Third Street as platted in the original town of Breckenridge; thence South along the East line of Third Street 33.22 feet, the point of beginning; thence South along the East line of said Third Street 161.81 feet; thence South 54 degrees 11 minutes 2 seconds East a distance of 124.41 feet; thence North 56 degrees 34 minutes 3 seconds East a distance of 95.11 feet; thence North 35 degrees 6 minutes 54 seconds East a distance 100 feet; thence North 18 degrees 41 minutes 58 seconds East a distance of 50.61 feet to a point of curvature; thence on a curve to the left with a radius of 165.00 feet through a central angle of 47 degrees 43 minutes 42 seconds having a chord distance of 133.51 feet bearing North 66 degrees 29 minutes 3 seconds West an arc distance of 137.45 feet; thence South 89 degrees 39 minutes 7 seconds West a distance of 133.43 Feet to the point of beginning, Situated in Sangamon County, Illinois.

Parcel Number: 31-05.0-235-011

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 3                      NAME: David Mendenhall

DOCKET NUMBER: 2024-023

ADDRESS: 10875 E. State Rt. 29, Breckenridge, IL 62563

PETITIONER: Whiskey Ridge Saloon, LLC

PRESENT ZONING CLASSIFICATION: Parcel 1: B-3 General Business District with a CPU for a tavern with live entertainment and dancing (approximately 1,900 sq. ft.). Parcel 2: A Agricultural District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 2,700 square feet); and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and, for Parcel 2: pursuant to Chapters 17.68 and 17.26, a rezoning from "A" Agricultural District to "B-3" General Business District.

AREA: 1.4 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the requested B-3 District for Parcel 2. The petitioner is proposing to expand the tavern/restaurant beer garden and provide additional parking by utilizing Parcel 2. While the LESA score of 203 indicates the property is suitable for agricultural use only, the proposed rezoning to B-3 for Parcel 2 will allow consistent zoning with the existing tavern/restaurant on Parcel 1 when the parcels are combined. Recommend approval of the Conditional Permitted Use for a tavern with live entertainment and dancing with the following conditions: 1) the tavern is limited to approximately 2,700 square feet as indicated on the site plan in the petition and 2) the hours of operation are limited to the Sangamon County Liquor Ordinance. The petitioner indicated the previous paving variance expired due to the building reconstruction timeline. Therefore, staff recommends approval of the paving variance for a period not to exceed one (1) year.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:  
Approval of Staff Recommendation.

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2024-023</b>
<b>Whiskey Ridge Saloon, LLC</b> )	
)	PROPERTY LOCATED AT:
)	<b>10875 E. State Rt. 29, Breckenridge, IL</b>
)	<b>62563</b>

RECOMMENDATION OF THE ZONING BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **rezoning, Conditional Permitted Use, and a variance** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner(s); that legal publication has been made pursuant to law; and that a public hearing was held on **October 17, 2024** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **10875 E. State Rt. 29, Breckenridge, IL 62563** and more particularly described as:

**See Exhibit A**

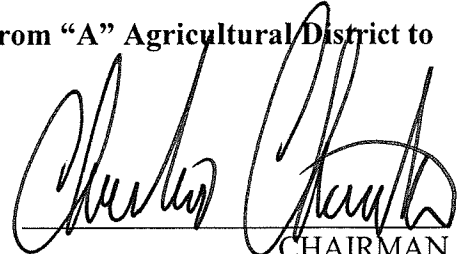
- 3. That the present zoning of said property is **Parcel 1: B-3 General Business District with a CPU for a tavern with live entertainment and dancing (approximately 1,900 sq. ft.). Parcel 2: A Agricultural District.**
- 4. That the present land use of said property is **Parcel 1: Tavern/restaurant with a beer garden with live entertainment and dancing. Parcel 2: Rock parking lot.**
- 5. That the proposed land use of said property is **Tavern/restaurant with a beer garden with live entertainment and dancing and additional parking.**
- 6. That the request(s) for the subject property **are pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 2,700 square feet); and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and for Parcel 2: Pursuant to Chapters 17.68 and 17.26, a rezoning from "A" Agricultural District to "B-3" General Business District.**
- 7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit(s).
- 8. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **rezoning, Conditional Permitted Use with conditions, and variance** is in the public interest and is not solely in the interest of the petitioners.

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the following requests **are hereby approved:**

- Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 2,700 square feet) with the following conditions:
  - 1) The tavern is limited to approximately 2,700 square feet as indicated on the site plan in the petition, and
  - 2) The hours of operation are limited to the Sangamon County Liquor Ordinance; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat for a period not to exceed one (1) year; and,

For Parcel 2:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from "A" Agricultural District to "B-3" General Business District.



CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Anthony Mares**, which was duly seconded by **Don Wulf**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following requests **are hereby approved**:

- Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 2,700 square feet) with the following conditions:
  - 1) The tavern is limited to approximately 2,700 square feet as indicated on the site plan in the petition, and
  - 2) The hours of operation are limited to the Sangamon County Liquor Ordinance; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat for a period not to exceed one (1) year; and,

**For Parcel 2:**

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District.

The vote of the Board was as follows:

YES:            **Anthony Mares, Charlie Chimento, Don Wulf, George Petrilli**

NO:

PRESENT:

ABSENT:      **Richard Thompson**

  
 \_\_\_\_\_  
 RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2024-023**

Address: **10875 E. State Route 29, Breckenridge**

- (i) Existing uses of property within the general area of the property in question.  
**North & East – Cropland. South – Cropland. West – Tavern/restaurant.**
- (ii) The zoning classification of property within the general area of the property in question.  
**North & East – Agricultural. South – Agricultural. West – B-3.**
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

**While the LESA score of 203 indicates the property is suitable for agricultural use only, the proposed rezoning to B-3 for Parcel 2 will allow consistent zoning with the existing tavern/restaurant on Parcel 1 when the parcels are combined.**

- (iv) The trend of development, within the vicinity since the property was originally classified.  
**Parcel 1 was granted B-3, a CPU for a tavern with live entertainment and dancing (approximately 1,900 square feet), and a two-year paving variance in Zoning Case #2021-039. Within the unincorporated village of Breckenridge, RM-4 was granted for seven parcels in 2002, 1999, 1988, 1985, 1983, and 1980.**



**SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT  
FOR CONDITIONAL PERMITTED USES**

Case #: **2024-023**

Address: **10875 E. State Route 29, Breckenridge**

No conditional permitted uses shall be granted by the County Board unless the conditional permitted use:

- (i) Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area.

**Yes, the tavern is located on the north side of a divided four-lane state road, and that, along with the proposed conditions limiting the size and hours of operation, should minimize potential impacts. The additional parking being provided will also alleviate any traffic congestion.**

- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.

**Yes, a divided four-lane state road separates the tavern from the nearest residences to the south. The proposed conditions limiting the size and hours of operation should help minimize effects to the public health, safety, and welfare.**

- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.

**Negative effects are unlikely as Parcel 1 contains a tavern/restaurant that had also operated prior to the development of the Zoning Ordinance and now the petitioner is proposing to expand the beer garden on the site.**

- (iv) In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:

- (a) Fairgrounds, public or private outdoor recreation centers - that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.

**N/A**

- (b) Manufactured home parks - must meet the requirements of Chapter 17.48 Large Scale Development.

**N/A**

- (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

**N/A**

- (d) Taverns and liquor stores - that the following distances be maintained: (1) schools - 100' from the property line of the school to the property line of the tavern or liquor store; (2) churches - 100' from the church building to the tavern or liquor store building; and (3) residences - 100' from the tavern or liquor store property line to the residential structure or institutional care facility.

**Yes**

- (e) Adult-use cannabis business establishments as defined in Chapter 17.04:
- 1) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a "sensitive area":
    - (A) Adult-use cannabis craft grower – 1,500 feet
    - (B) Adult-use cannabis cultivation center – 1,500 feet
    - (C) Adult-use cannabis dispensing organization (dispensary) – 250 feet
    - (D) Adult-use cannabis infuser organization (infuser) – 1,500 feet
    - (E) Adult-use cannabis processing organization (processor) – 1,500 feet
    - (F) Adult-use cannabis transporting organization (transporter) – 1,500 feet
  - 2) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

**N/A**

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2024-023**

Address: **10875 E. State Route 29, Breckenridge**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of this ordinance be varied as authorized in F. (1) hereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the property in question cannot be economically used or yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations.

**A commercial business should pave all the required parking spaces; however, the petition indicates it took longer to get the building reconstructed than planned so staff recommends approval of the paving variance for a period not to exceed one (1) year.**

- (ii) that the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.

**The petitioner indicated the previous paving variance expired due to the building reconstruction timeline. Granting a one-year paving variance will provide the petitioner additional time to complete the paving, and paved parking will ease the internal vehicular circulation on the subject property.**

- (iii) that the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

**Negative impacts are not anticipated with a one-year waiver.**

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Parcel # 31-05-235-010, 31-05-235-011

Zoning Case # 2024-023

**LAND EVALUATION AND SITE ASSESSMENT**

**Part 1: Site Assessment**

	Available Points	Points
<b><u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u></b>		
90% or more	20	
75-89%	10	<b>20</b>
50-74%	5	
Under 50%	0	
<b><u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u></b>		
90% or more	20	
75-89%	10	<b>10</b>
50-74%	5	
Under 50%	0	
<b><u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u></b>		
75-100%	10	
50-74%	5	<b>0</b>
Under 50%	0	
<b><u>COUNTY SECTOR</u></b>		
Rural	20	
0.5 mile from incorporated area	10	<b>20</b>
Incorporated area	0	
<b><u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u></b>		
75% or more	20	
50-74%	10	<b>20</b>
25-49%	5	
Less than 25% or sewer available	0	
<b><u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u></b>		
Negative impact	15	
Little or none with protective measures	5	<b>0</b>
Little or none	0	
<b><u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u></b>		
Negative impact	10	
No impact	0	<b>0</b>

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<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	<b>0</b>
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	
Sewer over 600'-1200' away	8	<b>15</b>
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	
1,000-1,500' away	15	<b>20</b>
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	<b>10</b>
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	
15-30 minutes	5	<b>0</b>
Less than 15 minutes	0	

<b>SITE ASSESSMENT TOTAL</b>		<b>115</b>
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Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P	11	100	11
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P		98	
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2		98	
257A	Clarksdale	P2		98	
68A	Sable	P2	89	87	77
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oscos	P		87	
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	
3077A	Huntsville	P3		87	
138A	Shiloh	P2		87	
249A	Edinburg	P2		87	
242A	Kendall	P2		87	
7242A	Kendall	P2		87	
134A	Camden	P		87	
17A	Keomah	P2		87	
3451A	Lawson	P3		75	
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3		75	
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P		75	
45A	Denny	P2		75	
134B	Camden	P		75	
112A	Cowden	P2		75	
685B	Middletown	P		75	
3405A	Zook	P5		75	
131C2	Alvin	P		75	
86C2	Oscos	I		74	
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I		74	
119D	Elco	I		74	
127C2	Harrison	I		74	
119D2	Elco	I		74	
567C2	Elkhart	I		74	
134C2	Camden	I		74	
259C2	Assumption	I		74	

685C2	Middletown	I	74
280D2	Fayette	I	74
119D3	Elco	N	74
259D2	Assumption	I	74
212C2	Thebes	I	74
630C2	Navlys	I	74
630D2	Navlys	I	74
630D3	Navlys	I	57
131D2	Alvin	I	57
8D	Hickory	I	50
8D2	Hickory	I	50
280D3	Fayette	I	44
8D3	Hickory	I	44
8F	Hickory	N	44
549G	Marseilles	N	0
533	Urban Land	N	
536	Dumps	N	
830	Orthents, Land	N	
862	Pits, Sand	N	
864	Pits, Quarries	N	
801C	Orthents, Silty	N	
W	Water		

Prime/Important Farmlands Designations:

- P: Prime farmland
- P2: Prime where drained
- P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.
- P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.
- I: Important farmland
- N: Not Prime/Important Farmland

<b>AGRICULTURAL LAND EVALUATION TOTAL</b>	<b>88</b>
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<b>GRAND TOTAL</b>	<b>203</b>
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Fewer than 150 points shall be deemed acceptable for non-agricultural development.  
 From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.  
 Greater than 175 points shall be considered suitable for agricultural use only.