

**GRANTING A REZONING, CONDITIONAL PERMITTED USE WITH CONDITIONS,
AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
10875 E. STATE ROUTE 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 Petitioners, **Edgar L. VanDorn and Kristie L. VanDorn**, have petitioned the Sangamon County Board requesting **pursuant to Chapters 17.68 and 17.26, a rezoning from “B-2” Retail Business District to “B-3” General Business District; pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 1,900 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,**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 21, 2021** 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,

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

FILED

OCT 28 2021


Sangamon County Clerk

9-2

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **9th Day of November, 2021** that the following request(s) on the above described property are hereby approved:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “B-2” Retail Business District to “B-3” General Business District;
- Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 1,900 square feet) with the following conditions:
 - 1) The tavern is limited to approximately 1,900 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 two (2) years.

Signed and passed by the Sangamon County Board in session on this **9th day of November, 2021**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

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.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: David Mendenhall

DOCKET NUMBER: 2021-039

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

PETITIONER: Edgar L. VanDorn & Kristie L. VanDorn

PRESENT ZONING CLASSIFICATION: "B-2" Retail Business District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapters 17.68 and 17.26, a rezoning from "B-2" Retail Business District to "B-3" General Business District; pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 1,900 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.

AREA: 17,615 sq. ft. (0.4 acres)

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the requested B-3 District. While a tavern is a Conditional Permitted Use in the current B-2 District, it does not allow for live entertainment and dancing. 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 1,900 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. Negative effects are unlikely as the subject property formerly contained a restaurant/tavern that operated prior to the development of the Zoning Ordinance. One could expect a tavern to occupy this site again.

Recommend denial of the requested paving variance. A commercial business should pave all the required parking spaces as it will help with the internal vehicular circulation on the site. The Standards for Variation are not met.

AMENDED: Recommend approval of the requested B-3 District. While a tavern is a Conditional Permitted Use in the current B-2 District, it does not allow for live entertainment and dancing. 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 1,900 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. Negative effects are unlikely as the subject property formerly contained a restaurant/tavern that operated prior to the development of the Zoning Ordinance. One could expect a tavern to

occupy this site again. Due to the testimony provided, the location being in a rural area, and the construction that will need to occur for the site, staff recommends approval of the paving variance for a period not to exceed two (2) years.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:

Approval of the Amended Staff Recommendation.



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2021-039
Edgar L. VanDorn & Kristie L. VanDorn)	
)	PROPERTY LOCATED AT:
)	10875 E. State Route 29
)	Breckenridge, IL 62563

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 21, 2021** 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 Route 29, Breckenridge, IL 62563** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **“B-2” Retail Business District.**
- 4. That the present land use of said property is **Vacant commercial building.**
- 5. That the proposed land use of said property is **Tavern/restaurant.**
- 6. That the request(s) for the subject property **are pursuant to Chapters 17.68 and 17.26, a rezoning from “B-2” Retail Business District to “B-3” General Business District; pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 1,900 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.**
- 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** are in the public interest and is not solely in the interest of the petitioner(s).

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

- **Pursuant to Chapters 17.68 and 17.26, a rezoning from “B-2” Retail Business District to “B-3” General Business District;**
- **Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 1,900 square feet) with the following conditions:**
 - 1) **The tavern is limited to approximately 1,900 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 two (2) years.**

Charlie Chumley

 CHAIRMAN

9-8

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, which was duly seconded by **Richard Thompson**, to concur with the amended findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **are hereby approved:**

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “B-2” Retail Business District to “B-3” General Business District;
- Pursuant to Chapter 17.58 and Section 17.26.020, a Conditional Permitted Use for a tavern with live entertainment and dancing (approximately 1,900 square feet) with the following conditions:
 - 1) The tavern is limited to approximately 1,900 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 two (2) years.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Richard Thompson, JD Sudeth**

NO:

PRESENT:

ABSENT:


 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2021-039**

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

- (i) Existing uses of property within the general area of the property in question.
North, East, & South – Cropland. West – Residence.
- (ii) The zoning classification of property within the general area of the property in question.
North & East – Agricultural. South – R-1. West – R-1 & I-1.
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.
While a tavern is a Conditional Permitted Use in the current B-2 District, it does not allow for live entertainment and dancing.
- (iv) The trend of development, within the vicinity since the property was originally classified.
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 #: **2021-039**

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 proposed 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.
- (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 proposed 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 the subject property formerly contained a restaurant/tavern that operated prior to the development of the Zoning Ordinance. One could expect a tavern to occupy this site again.
- (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) Wind energy conversion systems - a WECS shall not be located within 1½ miles of an incorporated area with a population over 10,000 or within ½ mile of an incorporated area with a population of less than 10,000. WECS shall not be located so that they interfere with contiguous urban development.

N/A

- (f) 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

AMENDED:
SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: **2021-039**

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 as it will help with the internal vehicular circulation on the site.

AMENDED: A commercial business should pave all the required parking spaces; however, due to the testimony provided, the location being in a rural area, and the construction that will need to occur for the site, staff recommends approval of the paving variance for a period not to exceed two (2) years.

- (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.

No particularly unique circumstances were mentioned in the petition.

AMENDED: The County Board has granted similar paving variances to businesses in more rural areas.

- (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.

Paving and striping the parking lot could ease the internal vehicular circulation on the subject property.

AMENDED: Negative impacts are not anticipated over existing conditions in granting two years to pave.