



CITY OF DALLAS

APPLICATION FOR A VARIANCE FROM THE MINIMUM DISTANCE REGULATIONS RELATED TO THE SALE OF ALCOHOLIC BEVERAGES

Chapter 6—Alcoholic Beverages, City of Dallas Code of Ordinances

Applicant Mario Alfaro's Inc. dba Mario's Mexican? Salvadorian Restaurant
(Must match the business name on TABC application)

Contact person, title Santos Martinez Property owner's name VR OAK LAWN LIMITED PS
(Land owner, business owner, representative)

Contact person's phone 214-684-2775 Address of request site 4123 Cedar Springs Rd, Ste 110

Contact person's address santos@lasierrapg.com Protected use's address 2827 Throckmorton St.

Type of protected use:

- Church
- Public school / open-enrollment charter school
- Private school
- Public hospital
- Daycare/child-care facility

Type of business seeking to sell alcohol:

- Alcoholic beverage manufacturing
- General merchandise or food store with 10,000 square feet or more floor area
- Microbrewery, microdistillery, or winery
- Restaurant without drive-in or drive-through service

Type of TABC permit(s) to be sought:

- Brewer's permit, "B" / Manufacturer's license, "BA"
- Distiller's and rectifier's permit, "D"
- Food and beverage certificate, "FB"
- Mixed beverage permit, "MB"
- Wine and beer retailer's off-premise permit, "BQ"
- Wine and beer retailer's permit, "BG"
- Winery, "G"

The nonrefundable variance application fee is \$1,200.00 and the sign fee, which is between \$10 and \$50 depending on street frontages. A statement explaining how the request meets the standard below is required as part of this application. The burden of proving that the request meets the standard is solely the responsibility of the applicant. Additional evidence supporting the request may be submitted along with this application.

Enforcement of the spacing requirements in this particular instance (1) is not in the best interest of the public; (2) constitutes waste or inefficient use of land or other resources; (3) creates an undue hardship on an applicant for an alcohol permit; (4) does not serve its intended purpose; is not effective or necessary; or (5) for any other reason that the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

REQUIRED ATTACHMENTS:

- Statement of request
- Sealed alcohol survey showing 300 foot radius and door to door measurements (*protected use must be indicated on this survey*)
- List of officers for alcohol business and property owner

AUTHORIZATION BY PROPERTY OWNER(S)

I, VR Oak Lawn LP, the owner of the property to be considered, hereby authorize the above business and representative to file this application for a variance from the requirements of Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances.

Richard Roos
Owner's Printed Name

[Signature]
Owner's Signature

APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT

I have read, examined, and completed this application; and know the information provided to be true and correct. I hereby apply for a variance from the distance requirements in Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances. I understand that this application, including all submitted documentation, are public information and can be made available through an Open Records Request per the Texas Public Information Act (Texas Government Code, Chapter 552).

Mario A. Alfaro
Applicant's Printed Name

[Signature]
Applicant Signature

Sworn to and subscribed before me by on this day 20 of FEB in the year 2020 to certify which witness my hand and seal of office.

[Signature]



Notary Public in and for the State of Texas

Date received: _____ Receipt No.: _____ Case number: AV 190-005



February 26, 2020

Mr. Kris Sweckard
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla, 5BN
Dallas, TX 75201

RE: Variance to the spacing requirements for a restaurant without drive-in or drive-through service to sell alcoholic beverages for on-premise consumption at 4123 Cedar Springs Road #110

Dear Mr. Sweckard,

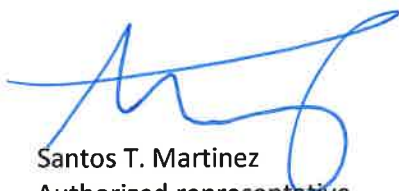
Mario Alfaro's Inc (Mario's Mexican and Salvadorian Restaurant) seeks to relocate to 4123 Cedar Springs Road #110. The property previously maintained a restaurant use (Cedar Grove) in the same suite space.

The property is a mixed use development with restaurants and personal service uses on the first floor along Cedar Springs. Residential development is located above these suites. Although the commercial uses are along Cedar Springs, the property encompasses the entire block. The Dickenson side of the property faces Sam Houston Elementary School. Mario's Mexican and Salvadorian Restaurant is located at the corner of Douglas Avenue and Cedar Springs Road. This suite is located over 1100 feet from the nearest door of Sam Houston Elementary School.

The spacing requirement for alcohol sales does not serve the area and is unnecessary. Sam Houston Elementary School is a block removed from Cedar Springs Road but the 300 foot radius for a protective use encompasses the commercial portions along the west side of Cedar Springs. This creates an undue hardship to commercial properties that does not impact those along the east side of Cedar Springs Road.

We have attached the application form, required alcohol survey, and list of officers. Please feel free to contact me if you have any questions or concerns in this matter.

Sincerely,



Santos T. Martinez
Authorized representative