



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

CheF LUKE ROGERS, LLC

(Must match the business name on TABC application)

Contact person, title

WARREN Cohen

(Land owner, business owner, representative)

Property owner's name

Beckley Properties Ltd  
Joseph McELROY

Contact person's phone

(214) 244-1947

Address of request site

1115 N Beckley Ave, Dallas, TX

Contact person's address

948 Valley View DR  
Lewisville, TX 75067

Protected use's address

1144 N Madison Ave, Dallas, TXType 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, JOSEPH McELROY, 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.

Beckley Properties Ltd  
JOSEPH McELROY, VP of General  
Owner's Printed Name

Owner's Signature

**APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT**

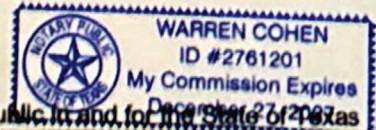
I have read, examined, and completed this application; and know the information provided to be true and correct. I hereby apply for a variance from the distance requirements in Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances. I understand that this application, including all submitted 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).

Applicant's Printed Name

Luke Rogers

Applicant Signature

Sworn to and subscribed before me by on this day 18<sup>th</sup> of July in the year 2024, to certify which witness my hand and seal of office.

Date received: 7/18/24Receipt No.: 11366Case number: AV 234-002

**LETTER OF AUTHORIZATION  
BUSINESS OPERATOR**

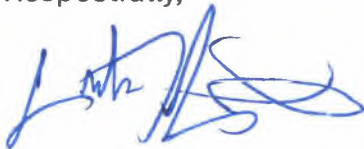
May 10, 2024

City of Dallas  
Planning  
1500 Marilla, 5CN  
Dallas, TX 75201

To Whom It May Concern:

I am Luke Rogers, Managing Member of Chef Luke Rogers, LLC. and business operator of the business located at 1115 N. Beckley Avenue, Dallas, TX 75203 known as Swank – A Neighborhood Restaurant, hereby gives Warren Cohen, the authority to act on my behalf to process an application for an alcohol variance from the protected use of a Public School located at 1144 N. Madison Avenue, Dallas, TX 75208 known as James S. Hogg Elementary School.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Luke Rogers', with a stylized flourish at the end.

Luke Rogers  
Managing Member

**LETTER OF AUTHORIZATION  
PROPERTY OWNER**

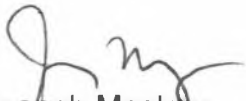
May 10, 2024

City of Dallas  
Planning  
1500 Marilla, 5CN  
Dallas, TX 75201

To Whom It May Concern:

I am Joseph Mcelroy, Vice President/Secretary of MagHag 1, Inc., General Partner of Beckley Properties, Ltd., owner of the property located at 1115 N. Beckley Avenue, Dallas, TX 75203, hereby gives Luke Rogers, the authority to act on my behalf to process an application for an alcohol variance from the protected use of a Public School located at 1144 N. Madison Avenue, Dallas, TX 75208 known as James S. Hogg Elementary School.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Mcelroy', is written above the printed name.

Joseph Mcelroy  
Vice President/Secretary



## **STATEMENT OF REQUEST**

### **For An Alcohol Distance Variance**

#### **to a Public School**

Request is being made to allow a variance for a restaurant located within 300 feet of a DISD public school known as James S. Hogg Elementary School located at 1144 N. Madison Avenue, Dallas, TX 75208.

The restaurant located across from the back side of the school at 1115 N. Beckley Avenue, Dallas, TX 75203 is currently operated by Chef Luke Rogers, LLC. d/b/a Swank – A Neighborhood Restaurant.

The history of this location has shown to have had a restaurant operation since 2011. Mr. Luke Rogers and Mrs. Geniselys Smith, the current tenants of the property, took over the operation at the restaurant in December 2023 and has been trying to obtain a Mixed Beverage Permit.

The current tenants entered a one-year lease with Beckley Properties, Ltd in December 2023 and will upgrade their lease for an additional five-years, in July 2024.

The current tenants are requesting the approval for a variance to allow the restaurant to operate with a Mixed Beverage Permit with required Food and Beverage Certificate. Mr. Luke Rogers and Mrs. Geniselys Smith wants to keep the restaurant sales around 75% in food sales and remainder 25% in alcohol sales.

The current tenants request this variance be approved as their business has slacked as customers like to have a glass or bottle of wine or beer with their meal and have gone elsewhere as they do not want to do the BYOB approach.

## **TENANT AND PROPERTY OWNER INFORMATION**

### **Officers of Restaurant:**

#### **Chef Luke Rogers, LLC.**

Luke Rogers – Managing Member

Geniselys Smith – Managing Member

### **Owner of Property:**

Beckley Properties, Ltd (Landlord)

Maghag 1, Inc. (General Partner)

Robert Stimson – Director/President

Joseph Mcelroy – Director/Vice President/Secretary

Richard Patten - Stockholder

## Alcohol Variance

From: Morgan, Chloe (chloe.morgan1@dallas.gov)

To: wscohencc@yahoo.com

Cc: sheila.segovia@dallas.gov; jenniffer.allgaier@dallas.gov; liliana.lopez@dallas.gov; juanita.cappio@dallas.gov; tasfia.zahin@dallas.gov

Date: Tuesday, June 18, 2024 at 02:26 PM CDT

Good Afternoon,

Please see the attached Alcohol variance application along with the case number, AV234-002. Also your sign is ready for pickup at the front desk.

Thank you.



AV234-002.pdf  
75.7kB

670 4299  
(214) 214