

February 25, 2026

WHEREAS, Section 6-4(g) of the Dallas City Code authorizes City Council to grant variances from the alcohol spacing requirements prescribed by Section 6-4(a) of the Dallas City Code; and

WHEREAS, Herby's Burgers, Inc. has submitted an application for a wine and beer retailer's permit pursuant to Chapter 25 of the Texas Alcoholic Beverage Code for a restaurant without drive-in or drive-through service with a food and beverage certificate, and is requesting a variance to the alcohol spacing requirements for a property on the west line of Edgefield Avenue, south of Newport Avenue, northwest of Margaret B. Henderson Elementary School, a public school; and

WHEREAS, City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol 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; and
- (5) is not effective or necessary; and

WHEREAS, City Council desires to grant the alcohol spacing variance.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the variance to the alcohol spacing requirements for Herby's Burgers, Inc., for a property on the west line of Edgefield Avenue, south of Newport Avenue, northwest of Margaret B. Henderson Elementary School, a public school, is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a wine and beer retailer's permit pursuant to Chapter 25 of the Texas Alcoholic Beverage Code.
- (2) This alcohol spacing variance is valid only for a restaurant without drive-in or drive-through service with a food and beverage certificate in the location shown on the attached location map.

SECTION 1. (continued)

- (3) Alcoholic beverages may not be sold by drive-in or drive-through service.
- (4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

By: _____
Assistant City Attorney