



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 LA Comida International, LLC  
(Must match the business name on TABC application)Contact person, title WARREN Cohen, Licensing Agent Property owner's name Joseph McElroy  
(Land owner, business owner, representative)Contact person's phone (214) 244-1947 Address of request site 1101 N. Beckley AvenueContact person's address 948 Valley View DR Protected use's address 1144 N. Madison Avenue  
Lewisville TX 75067

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

## AUTHORIZATION BY PROPERTY OWNER(S)

I, Joseph McElroy, an officer of 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.

Joseph McElroy  
Owner's Printed Name

[Signature]  
Owner's Signature

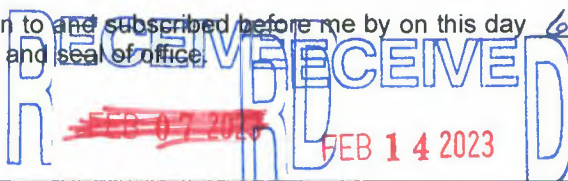
## APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT

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 Utecho  
Applicant's Printed Name

Mario A Utecho  
Applicant Signature

Sworn to and subscribed before me by on this day 6th of February in the year 2023 to certify which witness my hand and seal of office.



Notary Public in and for the State of Texas

Date received: Bv 3:52 PMReceipt No.: 10880Case number: AV 223-001

**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 1101 N. Beckley Avenue, Dallas, TX 75203 is currently operated by La Comida International, LLC. dba La Comida Mexican Kitchen & Cocktails.

The history of this location has shown to have had a restaurant operation since 2014. Mr. Mario Urtecho and Mr. Ivan Urtecho, the current tenants of the property, took over the operation at the restaurant in October 2022 and has been trying to obtain a mixed beverage permit and food and beverage certificate, since October 2022, through the Texas Alcoholic Beverage Commission.

The current tenants entered a five-year lease with Beckley Properties, Ltd in October 2022 and currently has 4 and a half years remaining.

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. Mario Urtecho and Mr. Ivan Urtecho wants to keep the restaurant sales around 70% in food sales and remainder 30% in alcohol sales.

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