



CITY OF DALLAS

Jct# 2310050012

# 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 Plomo Quesadillas McMillan Ave LLC

(Must match the business name on TABC application)

Contact person, title Santos T. Martinez, representative

(Land owner, business owner, representative)

Property owner's name Henderson Ave. Main Owner LLCContact person's phone 214 684 2775Address of request site 1802 McMillanContact person's address 3904 Elm #B, Dallas, Tx 75226Protected use's address 1802 Moser

## 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)

Please See Attached Notary

I, Henderson Ave Main Owner, 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.

Henderson Ave Main Owner, Represented by Alexander Levine  
Owner's Printed Name

[Signature], SVP  
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).

Omar Kasin  
Applicant's Printed Name

[Signature]  
Applicant Signature

Sworn to and subscribed before me by on this day 3 of MAY in the year 2023, to certify which witness my hand and seal of office.

[Signature]  
OCT 16 2023

[Signature]  
MICHAEL ADAM FRANKEL  
Notary Public, State of Texas  
Comm. Expires 01-09-2025  
Notary ID: 124679231

Date received: 12:17 pmReceipt No.: 00845839Case number: AV234-001

BV  
AV application 3-25-14

\$1,200.00 + 10.00 sign = \$1210.00 total



September 6, 2023

Ms. Andreea Udrea  
Assistant Director  
Current Planning  
1500 Marilla, 5BN  
Dallas, TX 75201

RE: Plomo Quesadilla McMillan Avenue LLC; 1802 McMillan Avenue

Dear Ms. Udrea,

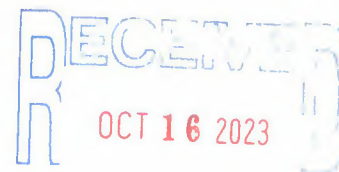
The applicant listed above seeks to secure a variance to the spacing requirements to sell on-premise alcoholic beverages in conjunction with a restaurant without drive thru service use. The property is located within a commercial center and is across the street from Solar Preparatory School for Boys campus. This campus maintains athletic fields on the same property as the school buildings. The portion of the school campus located within three hundred feet of the commercial center is used for faculty parking and athletic fields.

This establishment is located on the far north end of the commercial center. However, the measurement from the commercial center to the school property is less than sixty feet. The measurement from this establishment and the door of the school is over one thousand feet. It is reasonable for this establishment to seek relief from the spacing requirements once the proximity to the physical building is factored.

It is unreasonable to deny a restaurant use located on the farthest point of a commercial center an alcoholic beverage license because it is within a larger commercial property. The sale of alcoholic beverages in conjunction with a restaurant use is a reasonable request and best use of property and tax base.

Sincerely,

Santos T. Martinez  
Authorized Representative



Bv \_\_\_\_\_