

**ADDISON  
BOARD OF ADJUSTMENT  
HEARING AGENDA**

**THURSDAY, SEPTEMBER 10, 2020  
6:00 P.M.**

**ADDISON TREEHOUSE  
14681 MIDWAY ROAD, SUITE 200, ADDISON, TX 75001**

Notice is hereby given that the Addison Board of Adjustment will conduct a meeting on Thursday, September 10, 2020 at the Addison TreeHouse with a quorum of the Board physically present. Limited seating for members of the public will be available using CDC recommended social distancing measures.

Pledge of Allegiance

1. Administer the Oath of Office to the Board of Adjustment Members.
2. Closed (executive) session of the Addison Board of Adjustment pursuant to Section 551.071, Tex. Gov. Code, to conduct a private consultation with its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Tex. Gov. Code regarding:
  - The Board's role and procedures in an appeal of an administrative determination.
3. Open Session of the Addison Board of Adjustment and take action from Closed Executive Session.
4. Present, discuss and take action on an appeal by Cafe 214, LLC of an administrative determination to revoke the business' Certificate of Occupancy and Food Service Permit for the business located at 14865 Inwood Road.

Adjourn Meeting

NOTE: The Board of Adjustment reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Posted: \_\_\_\_\_  
Irma G. Parker, City Secretary

Date: Friday, September 4, 2020

Time: 1:00 pm

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS WITH  
DISABILITIES. PLEASE CALL (972) 450-7017 AT LEAST  
48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**

**Board of Adjustment Hearing**

**Meeting Date:** 09/10/2020

---

**Agenda Caption:**

Administer the Oath of Office to the Board of Adjustment Members.

**Staff Report:**

---

## **Board of Adjustment Hearing**

**Meeting Date:** 09/10/2020

---

### **Agenda Caption:**

Closed (executive) session of the Addison Board of Adjustment pursuant to Section 551.071, Tex. Gov. Code, to conduct a private consultation with its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Tex. Gov. Code regarding:

- The Board's role and procedures in an appeal of an administrative determination.

### **Staff Report:**

---

## **Board of Adjustment Hearing**

**Meeting Date:** 09/10/2020

---

### **Agenda Caption:**

Present, discuss and take action on an appeal by Cafe 214, LLC of an administrative determination to revoke the business' Certificate of Occupancy and Food Service Permit for the business located at 14865 Inwood Road.

### **Staff Report:**

On July 28, 2020, The Town's Zoning Administrator informed Mr. Charles Opore, owner of Cafe 214, LLC, of staff's decision to revoke the certificate of occupancy and food service permit for his business located at 14865 Inwood Road. The business has appealed staff's determination to the Board of Adjustment.

The following items have been attached to this item as background information:

- Zoning Information - Including the Special Use Permit regulations applicable to the property.
- Cafe 214 Certificate of Occupancy Revocation Letter
- Notice of Appeal to the Board of Adjustment

During the meeting, the Board of Adjustment will receive additional testimony from Town staff and the appellant regarding this item.

---

### **Attachments**

Ordinances

Cafe 214 Certificate of Occupancy and Food Service License Revocation Letter

Notice of Appeal to the Board of Adjustment

---



The property located at 14865 Inwood Road is Zoned Local Retail with Special Use Permits for a restaurant and for the sale of alcoholic beverages for on-premises consumption. The applicable ordinances are attached. For context:

- **2018 International Code Council Building Code Section 111.4** discusses when a Certificate of Occupancy can be revoked.
- **Ordinance O83-066** approved the original Special Use Permit for the property. The Special Use Permit was subsequently amended by **Ordinance O86-081**.
- **Chapter 48 – Health & Sanitation Section 46-32. – Food Service Regulations. (b) (1)** discusses that a Certificate of Occupancy being issued is a prerequisite for a food service permit to be issued.



## SECTION 111 CERTIFICATE OF OCCUPANCY

### [A] 111.1 Change of occupancy.

A building or structure shall not be used or occupied, and a change of occupancy of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**Exception:** Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

### [A] 111.2 Certificate issued.

After the *building official* inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the *owner* or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the *building official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design *occupant load*.
11. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building *permit*.

### [A] 111.3 Temporary occupancy.

The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

### [A] 111.4 Revocation.

The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.



ORDINANCE NO. 083-066

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GRANT A SPECIAL USE PERMIT FOR A RESTAURANT AND THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION LOCATED ON THE WEST SIDE OF INWOOD ROAD, ABOUT 1100 FEET SOUTH OF BELT LINE ROAD, ON APPLICATION FROM CATFISH CHARLIE'S RESTAURANT; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR NO SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas as required by State Statutes and the zoning ordinance of the Town of Addison, Texas and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of Addison, Texas after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the Town of Addison, Texas does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the Town of Addison, and helps promote the general welfare and safety of this community, now, therefore



BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,  
TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the Town of Addison is hereby amended by amending the zoning map to grant a special use permit for a restaurant and the sale of alcoholic beverages for on-premises consumption on application from Catfish Charlie's Restaurant. Said special use permit shall be granted subject to special conditions contained herein on the hereinafter described land:

TRACT I

All that certain lot, tract, or parcel of land lying and being situated in the Town of Addison, Dallas County, Texas, and being described as follows;

BEING a part of the JOSIAH PANCOAST SURVEY, ABSTRACT NO. 1146 and being a part of that certain tract of land described in deed to J.R. and Jack S. Maxfield, filed 8-18-59 and recorded in the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod for corner in the present West line of Inwood Road, a 60 foot right-of-way, said point being North 17 deg. 15 min. West, 644.51 feet from the Southeast corner of said Maxfield tract and South 17 deg. 15 min. East, 1041.99 feet from the Southern most corner of the visibility clip on the South line of Belt Line Road, a 100 foot right-of-way, point also being the Southeast corner of the Rinehart Inwood Addition to the Town of Addison;

THENCE South 17 deg. 15 min. East, 190.00 feet along the said present West line of Inwood Road to an iron rod for corner;

THENCE West 336.98 feet to an iron rod for corner;

THENCE North 181.45 feet to an iron rod for corner at the Southwest corner of the said Rinehart Inwood Addition;

THENCE East 280.64 feet along the South line of the said Rinehart Inwood Addition to the point of beginning and containing 1.286 acres (56,033.42 square feet) of land.

TRACT TWO

BEING Lot 1 Block 1 of the Rinehart Inwood Addition, an addition to the Town of Addison according to the map recorded in Volume 77012 Page 1563 of the Map Records of Dallas County, Texas.

SECTION 2. That the Special Use Permit is granted subject to the following conditions:

- 1) That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the site plan, landscape plan, and the elevation drawings showing four exterior walls which are attached hereto and made a part hereof for all purposes. The landscaping shall be maintained in the condition as set forth in such drawings.
- 2) That the Special Use Permit granted herein shall be limited to a restaurant and the sale of alcoholic beverages for on-premises consumption only and to that particular area designated on the final site plan as being outlined in red and encompassing a total area not to exceed 4950 sq. ft.
- 3) No signs advertising sale of alcoholic beverage shall be permitted other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the City of Addison, Texas, and all permitted signs must be shown on elevation drawings.
- 4) That the sale of alcoholic beverages under this special use permit shall be permitted in restaurants. Restaurants is hereby defined as establishments which receive at least sixty percent (60%) of their gross revenues from the sale of food.
- 5) Said establishment shall make available to the city of its agents, during reasonable hours its bookkeeping records for inspection, if required by the city to insure that the conditions of Paragraph 4 are being met.
- 6) The use of gaming devices, such as billiards (pool) tables, pinball machines, marble tables, and other coin operated amusement machines, other than machines for music are hereby pro-

hibited.

- 7) Where the sale or serving of alcoholic beverages is permitted, dancing is hereby prohibited.
- 8) Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the City of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
- 9) That if the property for which the special use permit is granted herein is not used for the purposes for which said permit was granted within one (1) year after the adoption of this ordinance, the City Council may authorize hearings.
- 10) That if a license or permit to sell alcoholic beverages on property covered by this special use permit is revoked, terminated or cancelled by proper authorities, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.
- 11) The sale of alcoholic beverages is prohibited in drive-in restaurants where food and beverages are served to customers for consumption on the premises but outside of the building. Such drive-in restaurants shall not be considered to be restaurants under the provisions of this ordinance.

SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

SECTION 4. That it is the intention of the City Council that this ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void in

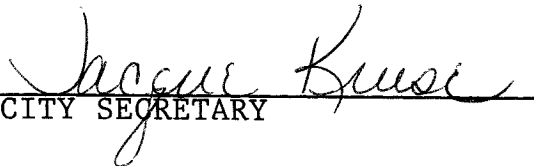
its entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

SECTION 5. Whereas, the above described property required that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City and creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 25 day of October, 1983.

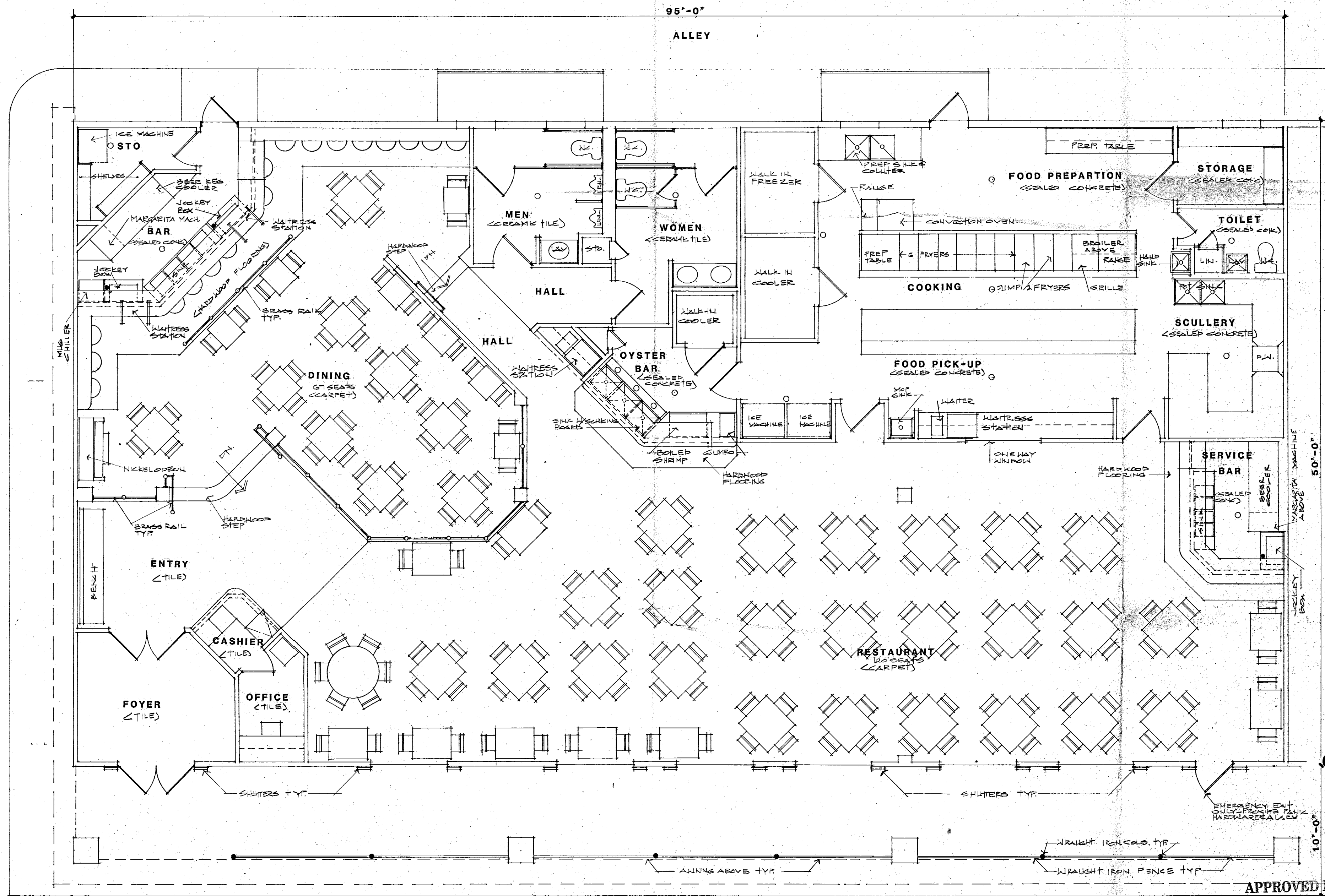
  
MAYOR

ATTEST:

  
CITY SECRETARY

Published  
11-20-83





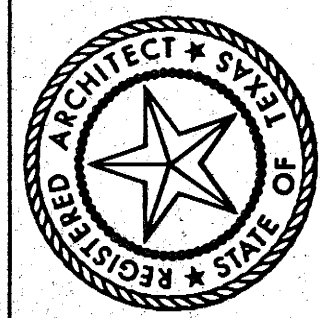
**FLOOR PLAN**  
 187 SEATS  
 4750 S.F.  
 1/4" = 1'-0"

CASE FILE NO. 288-51P  
 RECEIVED. 9-22-83

APPROVED FOR ORDINANCE  
 NO. 8234 083-066  
 APPROVED BY  
 9-22-83 PLANNING & ZONING  
 10-25-83 CITY COUNCIL

DRAWN  
 SSB  
 CHECKED  
 PROJECT  
 8322  
 DATE  
 8/17/83  
 SHEET  
 1  
 OF 2

**CATFISH CHARLIE'S  
 RESTAURANT & OYSTER BAR**  
 INWOOD PLAZA SHOPPING CENTER  
 ADDISON, TEXAS

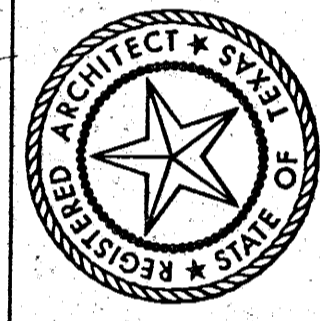


**Bauer, Burgess, Conaway & associates, inc.**  
 ARCHITECTS, PLANNERS 3614 OAK GROVE, 116 DALLAS, TEXAS 75204 214-526-4940

REVISION

**CATFISH CHARLIE'S  
RESTAURANT & OYSTER BAR**

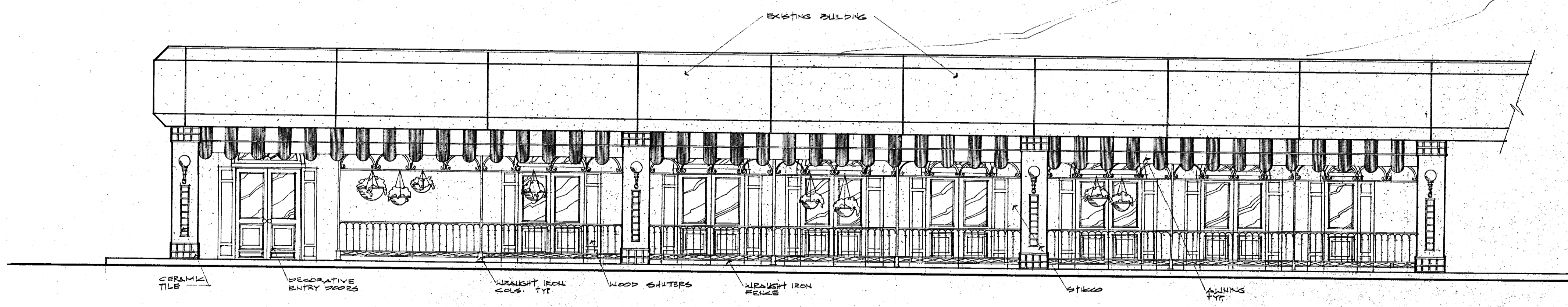
INWOOD PLAZA SHOPPING CENTER  
ADDISON, TEXAS



**Bauer, Burgess, Conaway & associates, inc.**  
ARCHITECTS, PLANNERS 3614 OAK GROVE, 116 DALLAS, TEXAS 75204 214-526-4940

REVISION

DRAWN  
SSB  
CHECKED  
PROJECT  
8322  
DATE  
7/22/83  
SHEET  
**2**  
OF 2



**EXTERIOR ELEVATION**

1/4"=1'-0"

ORDINANCE NO. 086-081

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SPECIAL USE ORDINANCE NO. 083-066 BY AMENDING THE SITE PLAN, ON APPLICATION FROM HATORI-SUSI CORPORATION, LOCATED ON THE WEST SIDE OF INWOOD ROAD, APPROXIMATELY 200 FEET SOUTH OF ITS INTERSECTION WITH BELT LINE ROAD; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas as required by State Statutes and the zoning ordinance of the Town of Addison, Texas and all the legal requirements, conditions and prerequisites having been complied with the case having come before the City Council of Addison, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the Town of Addison, Texas, does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the Town of Addison, and helps promote the general welfare and safety of this community, now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:



SECTION 1. That Ordinance No. 083-066 passed by the City Council on the 25th day of October, 1983, is hereby amended by amending Section 2.1 to read as follows:

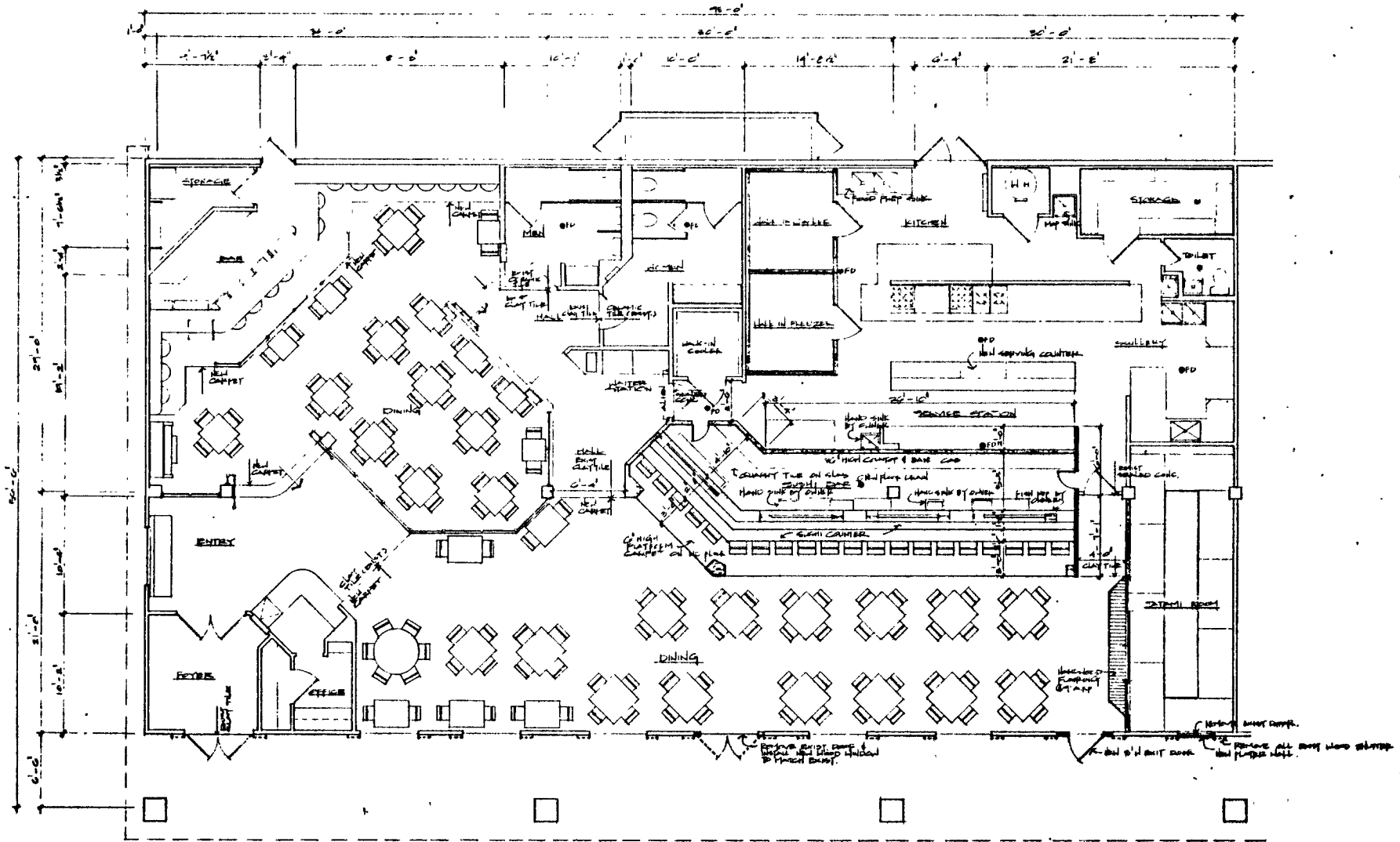
Section 2.1 That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the revised site plan, landscape plan, and the elevation drawings showing four exterior walls which are attached hereto and made a part hereof for all purposes. The landscaping shall be maintained in the condition as approved prior to the certificate of occupancy.

SECTION 2. The following Special Conditions are made a part of Ordinance No. 086-066:

1. The applicant comply with the recommendations of the Landscape Department prior to a Certificate of Occupancy for the restaurant:
2. The applicant pave the strip between the service alley and the fence along the north property line with concrete prior to a Certificate of Occupancy for the restaurant:
3. The owner of the property repair all broken curbs in the center prior to a Certificate of Occupancy:
4. The owner of the property restripe all the fire lanes and parking stripes in the center prior to a Certificate of Occupancy for the restaurant.

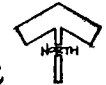
SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of One Thousand Dollars (1,000.00) and not less than Five Hundred Dollars (500.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

Hana Jap.

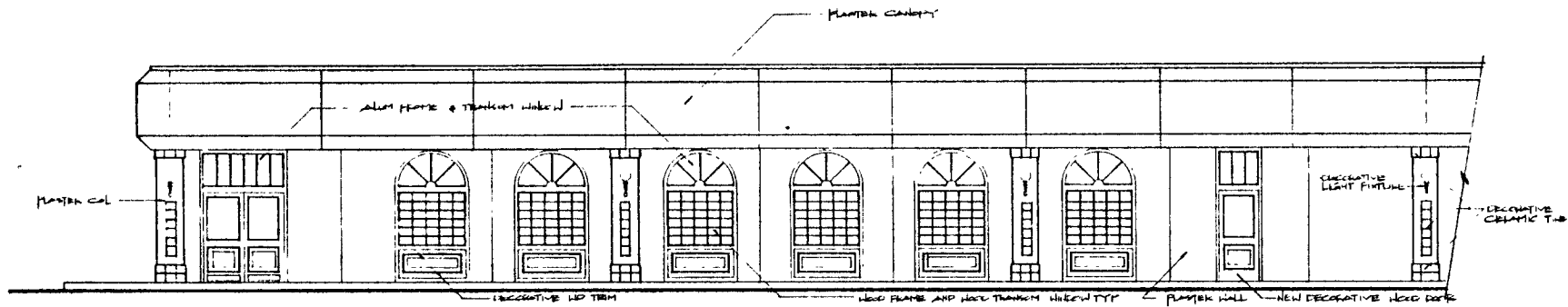


FLOOR PLAN SCA 1/4" = 1'-0"

HANA JAPANESE RESTAURANT & BAR  
 160 SEATS 4,760 sf

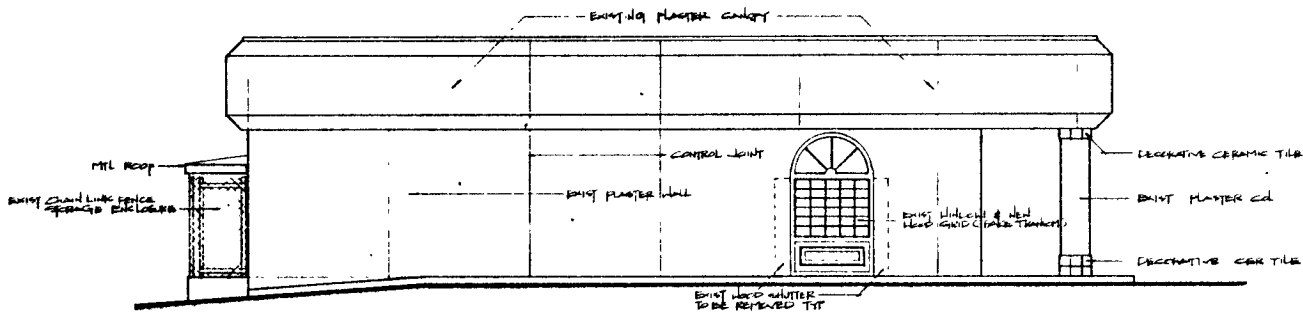


Project Name	HANA JAPANESE RESTAURANT & BAR
Client	
Architect	miz architecture
Scale	1/4" = 1'-0"
Date	



FRONT ELEVATION

SCALE 1/4" = 1'-0"

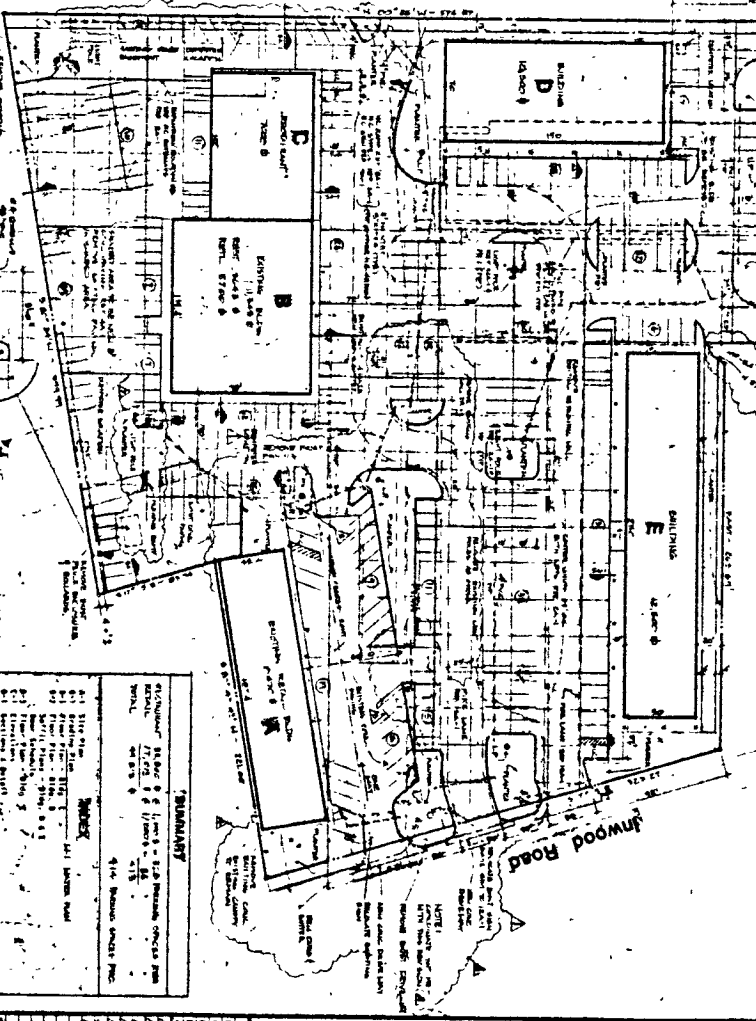
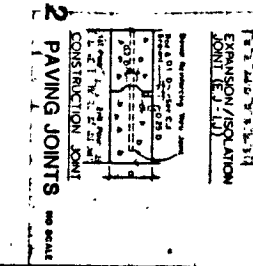
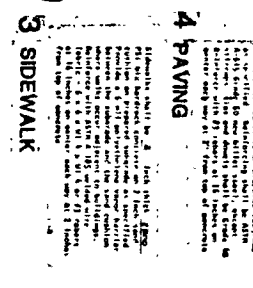
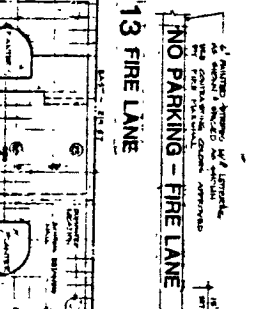
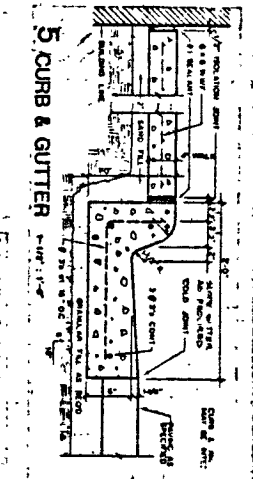
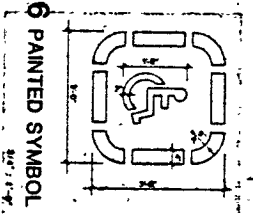
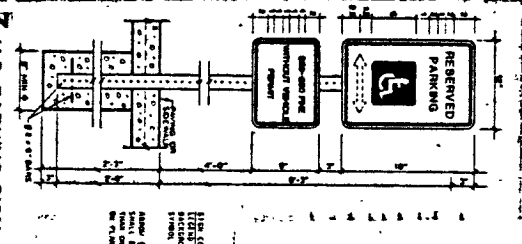
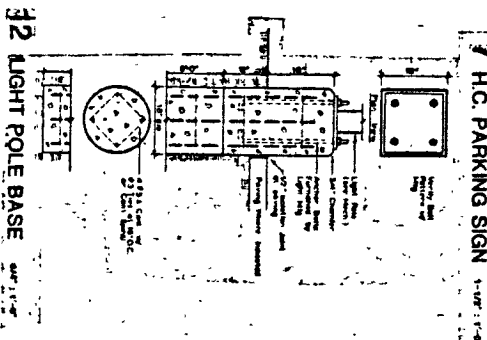
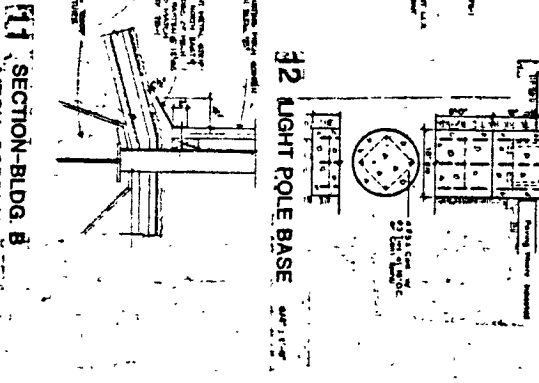
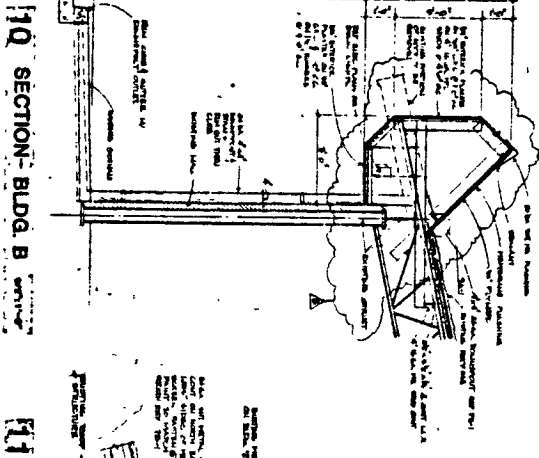
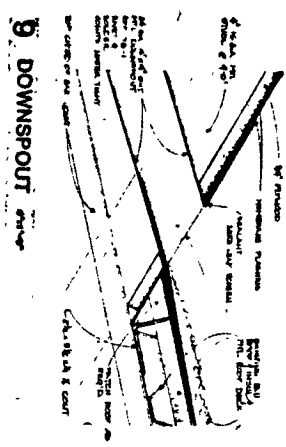
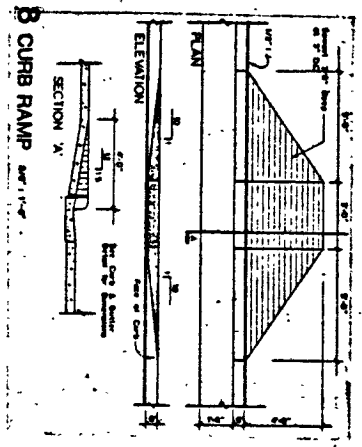


SIDE ELEVATION

SCALE 1/4" = 1'-0"

HANA JAPANESE RESTAURANT & BAR

PROJECT NO.	DATE	SCALE
miz architecture		
ARCHITECT		



**INDEX**

1	Site Plan
2	Paving Joints
3	Sidewalk
4	Paving
5	Curb & Gutter
6	Painted Symbol
7	H.C. Parking Sign
8	Curb Ramp
9	Downspout
10	Section-Bldg. B
11	Section-Bldg. B Mech. Screen
12	Light Pole Base
13	Fire Lane

**REVISIONS**

NO.	DATE	DESCRIPTION
1	10/1/78	ISSUED FOR PERMITS
2	10/1/78	REVISED PER COMMENTS
3	10/1/78	REVISED PER COMMENTS
4	10/1/78	REVISED PER COMMENTS
5	10/1/78	REVISED PER COMMENTS
6	10/1/78	REVISED PER COMMENTS
7	10/1/78	REVISED PER COMMENTS
8	10/1/78	REVISED PER COMMENTS
9	10/1/78	REVISED PER COMMENTS
10	10/1/78	REVISED PER COMMENTS
11	10/1/78	REVISED PER COMMENTS
12	10/1/78	REVISED PER COMMENTS
13	10/1/78	REVISED PER COMMENTS
14	10/1/78	REVISED PER COMMENTS
15	10/1/78	REVISED PER COMMENTS
16	10/1/78	REVISED PER COMMENTS
17	10/1/78	REVISED PER COMMENTS
18	10/1/78	REVISED PER COMMENTS
19	10/1/78	REVISED PER COMMENTS
20	10/1/78	REVISED PER COMMENTS

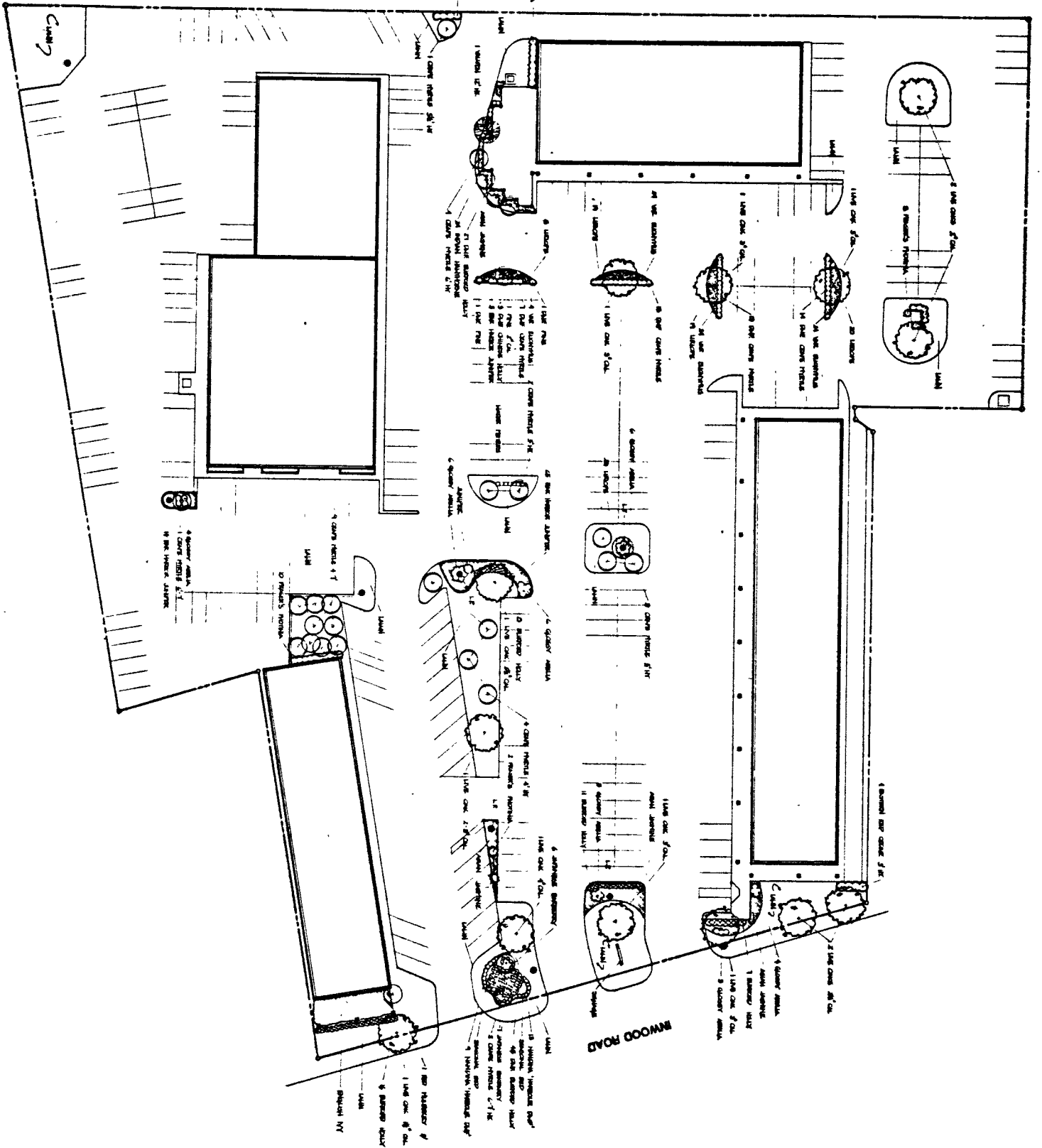
**JOHN R. THOMPSON & ASSOCIATES**  
ARCHITECTS PLANNERS INTERIOR DESIGNERS

1001 W. 14TH STREET, SUITE 100, DALLAS, TEXAS 75202

PHONE: 754-1111

**Inwood Plaza Shopping Center**

Address, Texas



**INWOOD PLAZA**  
LANDSCAPE PLAN

SCALE: 1/8" = 1'-0"	
SHEET: 5/12/24	
DATE: 5/12/24	
PROJECT: [Illegible]	
DESIGNED BY: [Illegible]	
DRAWN BY: [Illegible]	
CHECKED BY: [Illegible]	
DATE: [Illegible]	

SECTION 3. That should any paragraph, sentence, sub-division, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

SECTION 4. The importance of this ordinance creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this 14th day of October, 1986.

MAYOR



ATTEST:

*Jacque Krause*  
CITY SECRETARY

CASE NO. 992-SUP

APPROVED AS TO FORM:

*C TURNER*  
-----  
-----

## CHAPTER 48 – HEALTH AND SANITATION

Sec. 46-32. - Food service regulations.

(b) *Permit required; issuance; exceptions.*

- (1) It shall be unlawful for any person to operate a food establishment within the limits of the Town of Addison without having been issued a valid food service permit. Only a person who complies with the requirements in this article shall be entitled to receive or retain a permit, and notwithstanding the fact that all inspections necessary for obtaining a food service permit have been completed, such permit shall not be issued until after the building in which the establishment is to be located has been issued a certificate of occupancy by the Town of Addison. Permits are not transferable from one person to another person or place. A valid permit shall be posted in or on a conspicuous place of every food establishment regulated by this article. Permits shall remain in effect for twelve (12) months from the date of issuance unless sooner revoked for cause. If the permit is granted to a temporary food establishment, the permit shall be in effect for a period of time not exceeding four consecutive days in conjunction with a single event or celebration. All permits are to be displayed in public view.



July 28, 2020

Mr. Charles Opore  
Café 214, LLC  
14865 Inwood Road  
Addison, TX 75001  
[smallvoltage@gmail.com](mailto:smallvoltage@gmail.com)  
972-921-3597

RE: Revocation of Certificate of Occupancy for 14865 Inwood Road

Dear Mr. Opore,

From the initial stages of the Certificate of Occupancy process, you provided Town of Addison Planning and Zoning staff written confirmation that the proposed new food establishment located at 14865 Inwood Road would operate as a restaurant in compliance with the approved zoning for the site, acknowledging the existing zoning requirements of the Special Use Permit (SUP) Ordinance.

Based on your written confirmation, the Town issued a Certificate of Occupancy for a restaurant on October 7, 2019. While operating under this Certificate of Occupancy, staff has observed numerous violations of various ordinances and regulations. In consultation with the Town's Building Official and as authorized by Section 111.4 of the 2018 International Building Code, the Town is hereby revoking your Certificate of Occupancy due to these ordinance and regulation violations. Your business must cease operation immediately. The Town's reasons for doing so are outlined below.

### Floor Plan Violations

On March 25, 2019, you provided a written confirmation acknowledging the Special Use Permit Ordinances (083-066 and 083-081) that regulate the use of this space as a restaurant and agreed to abide by them. As part of the review process, staff indicated that the approved ordinances "include the layout of the space, so while you are not obligated to provide the tables and chairs that are specifically shown in the floor plans, the furniture for this space does have to be restaurant style tables and chairs, or restaurant style booths, this excludes couches and lounge type of furniture." Staff also indicated that the floor plan does not show a DJ, a stage, or a dance floor, specifically calling for a restaurant atmosphere instead of a night club or lounge. Your written confirmation, **Exhibit A**, acknowledged these requirements and confirmed the proposed business operation as a restaurant, which would comply with all the requirements listed in the ordinances.

As of staff's last inspection on May 28, 2020, during which photographs were taken of the interior layout, the space is out of compliance with the approved floor plans through the SUP ordinances. Sample photos from that inspection are attached as **Exhibit B**. The approved floor plan is very specific in showing tables and chairs within a restaurant type setting. The photographs taken on May 28, 2020 primarily show couches and coffee tables



as well as large stacked music speakers. Additionally, various event photos posted online by the establishment, as well as customer reviewers, show a large open dance floor and a DJ booth, shown in **Exhibit C**. This is conducive to a night club or lounge atmosphere and is inconsistent with the approved floor plan and is a violation of the approved zoning.

## **Use Issues**

During the initial Certificate of Occupancy review process, you confirmed the space would be used as a restaurant. Since the Certificate of Occupancy was approved, based on staff's observations, it appears that the events advertised online often charge for tables and include VIP section reservations, specifically promote "party" and "nightlife," and include DJs or other forms of live music. Examples of multiple advertised events are shown in **Exhibit D** and a promotional video, **Exhibit E**, posted online on May 5, 2020 by Café 214, also depicts a crowded dance floor, DJ, and a night club atmosphere. These factors are not consistent with a restaurant use.

Below is a sampling of the repeating events that have occurred at Café 214 since the Certificate of Occupancy was approved:

**Ultra Saturdays** - This is/was a weekly event promoted by Café 214 Dallas Hookah Lounge. Based on promotional material attached in **Exhibit D**, the event runs from 12:00pm-4:00am, with Party Hours shown as 9:00pm-4:00am, and lists DJs.

**214 Fridays** - This is/was a weekly event promoted by Café 214 Dallas Hookah Lounge. Based on promotional material attached in **Exhibit D**, the event runs from 12:00pm-4:00am, with Party Hours shown as 9:00pm-4:00am, and lists DJs.

**House of Hookah Fridays** - This is/was a weekly event promoted by Crown Holders and DJ Phife. Based on promotional material attached in **Exhibit D**, the event runs from 9:00pm-1:00am, lists DJs, and event admission ranges from \$15.00 for a two person table, \$25.00 or \$40.00 for a four person table, and \$35.00 or \$75.00 for a 6 person VIP booth.

As explained by staff during the initial Certificate of Occupancy review process and based on the SUP ordinances approved for this space, it is the Town's expectation that the space operate as a restaurant. This means that there should not be lounge/night club type of events, lounge style furniture, VIP tables, cover charge, or DJ performances. As outlined above and detailed in the attached exhibits, this establishment is not operating how the Town would expect a restaurant to operate.

Based on what was observed since the beginning of operations, Café 214 is not a restaurant and has not improved the property in accordance with approved plans. This establishment is therefore not operating in compliance with the current zoning

## **Other Ordinance and Regulation Violations.**

Since this business opened, the Addison Police Department has been dispatched to the property 58 times. This is highly unusual for any one business in Addison. During these visits, Addison Police Officers have observed fire exits that were locked and patrons consuming alcoholic beverages past 2:15am. Additionally, due to the COVID-19

pandemic, Governor Greg Abbott and Dallas County Judge Clay Jenkins have issued numerous orders additional restrictions such as social distancing requirements and face mask mandates. The Addison Police Department has observed multiple violations of these requirements at this business.

Many of these regulations are the direct responsibility of the business owner. For others, while the business owner is not directly violating a regulation, they are knowingly allowing violations to occur within their establishment. By doing so, the business owner is creating an unsafe environment.

Based on the noted violations to the zoning and use requirements and due to repeated violations of various other ordinances and regulations that are occurring at the business, the Certificate of Occupancy is being revoked.

Additionally, Town regulations require an active Certificate of Occupancy for an establishment to have a Food Service Permit. Since the Certificate of Occupancy is being revoked, the Town is also revoking the business' Food Service Permit (Permit # 1375-09-2019). Without a Certificate of Occupancy or a Food Service Permit, your business is not allowed to operate. Doing so illegally subjects the business owner to all enforcement options available to the Town.

Please note that this decision is appealable to the Town of Addison Board of Adjustment.

Regards,

A handwritten signature in black ink, appearing to read "Charles Goff". The signature is fluid and cursive, with the first name "Charles" being larger and more prominent than the last name "Goff".

Charles Goff, AICP  
Director of Development Services

Cc: Paul Spencer, Chief of Police  
Bill Elliott, Building Official  
Olga Chernomoretz, AICP, Planning and Development Manager  
Sandra Long, Environmental Health Manager

## EXHIBIT A

6/30/2020

Mail - Olga Chernomorets - Outlook

### 14865 Inwood Rd - Cafe 214

Olga Chernomorets <ochernomorets@addisontx.gov>

Thu 5/28/2020 8:45 AM

To: Gilbert Fernandez <gfernandez@addisontx.gov>


Cc: Sandra Long <slong@addisontx.gov>; Charles Goff <cgoff@addisontx.gov>

 2 attachments (1 MB)

086-081 - 1986.pdf; 083-066 - 1983 SUP.pdf;

Please find below confirmation from the restaurant applicant regarding zoning requirements and being a restaurant. Also, attached, please find the two ordinances with floors plans governing this space.

Thank you.

 <http://12.54.128.150/addisonemaillogo.png>

#### OLGA CHERNOMORETS

Planning and Development Manager

Town of Addison | 16801 Westgrove Dr. Addison,  
Texas 75001

Office: (972) 450-2823

[ADDISONTEXAS.NET](http://ADDISONTEXAS.NET)

—

**IT ALL COMES TOGETHER.**

From: DJ XP <smallvoltage@gmail.com>

Sent: Monday, March 25, 2019 11:43 AM

To: Olga Chernomorets <ochernomorets@addisontx.gov>

Subject: Re: 14865 Inwood Rd - Cafe 214 CO Review

Good morning Olga. I acknowledging the requirements for this space and confirming that the proposed restaurant operation will comply with all the requirements listed in these two ordinances.

Regards Charles

On Wed, Mar 20, 2019, 1:01 PM Olga Chernomorets <ochernomorets@addisontx.gov> wrote:

Good Afternoon,

As part of the Certificate of Occupancy application, I am in the process of reviewing the proposed use for compliance with the Town's Zoning Ordinance.

Please note that each restaurant in the Town has its own Special Use Permit (SUP), which governs the size and operation of the space. The SUP ordinances governing this space are attached and can be reused as long as there are no significant changes to the space or use. Please note that any significant changes to the space, such as increasing the square footage (interior or exterior), relocating/increasing the bar area, etc., would require going back through the rezoning process for formal approval by the City Council. This also includes the layout of the space, so while you are not obligated to provide the tables

<https://outlook.office365.com/mail/search/id/AAQkADVhZGRiYzgwLTZjZDYtNDY2My1iYWEwLTJhNGQ4ODRmZGJiMAAQAMPmL8thhIhJsD6TQnpH...> 1/2

## EXHIBIT A

6/30/2020

Mail - Olga Chernomorets - Outlook

and chairs that are specifically shown in the floor plans, the furniture for this space does have to be restaurant style tables and chairs, or restaurant style booths, this excludes couches and lounge type of furniture. Please also note that the floor plan does not show a DJ or a stage or a dance floor.

When we spoke in January, you were looking for space for an Event Center, but the application for Café 214 states it is a restaurant. Please note that this space can operate as a restaurant, with at least 60% revenue from food, but it is not approved to be an event venue or event center. Please confirm compliance.

Please carefully review this document and respond to this email acknowledging the requirements for this space and confirming that the proposed restaurant operation will comply with all the requirements listed in these two ordinances.

Please also note that changing any exterior signage will require a sign permit for each sign.

Please feel free to contact me with any additional questions or concerns.

Thank you in advance,

OLGA MARIA CHERNOMORETS  
Senior Planner for Development Services  
Town of Addison | 16801 Westgrove Dr. Addison, Texas 75001  
Office: (972) 450-2823  
ADDISONTEXAS.NET  
—  
IT ALL COMES TOGETHER.

EXHIBIT B



Photos show couches and coffee tables instead of restaurant style seating.



**EXHIBIT B**



Photos show couches and coffee tables instead of restaurant style seating and indicate all seating as reserved.

**EXHIBIT B**



Photo shows velvet ropes used for isolating VIP areas.



Photo shows there is a re-entry fee into the establishment after certain hours.



**EXHIBIT B**



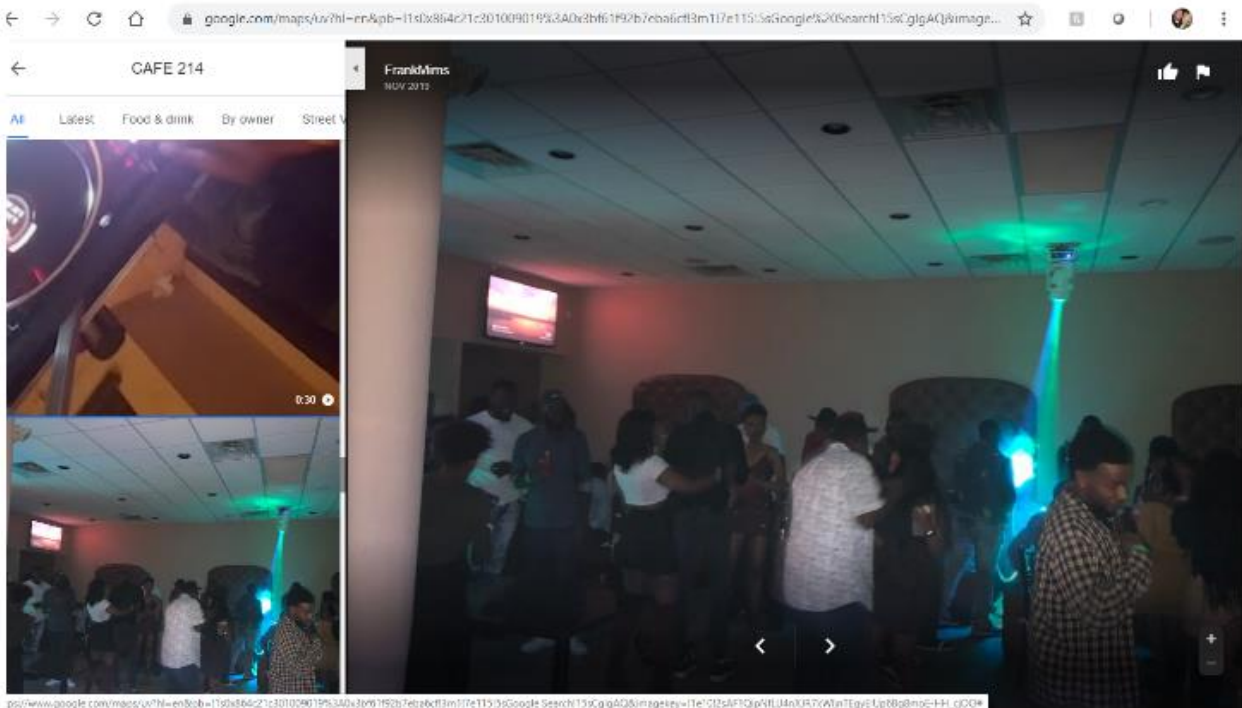
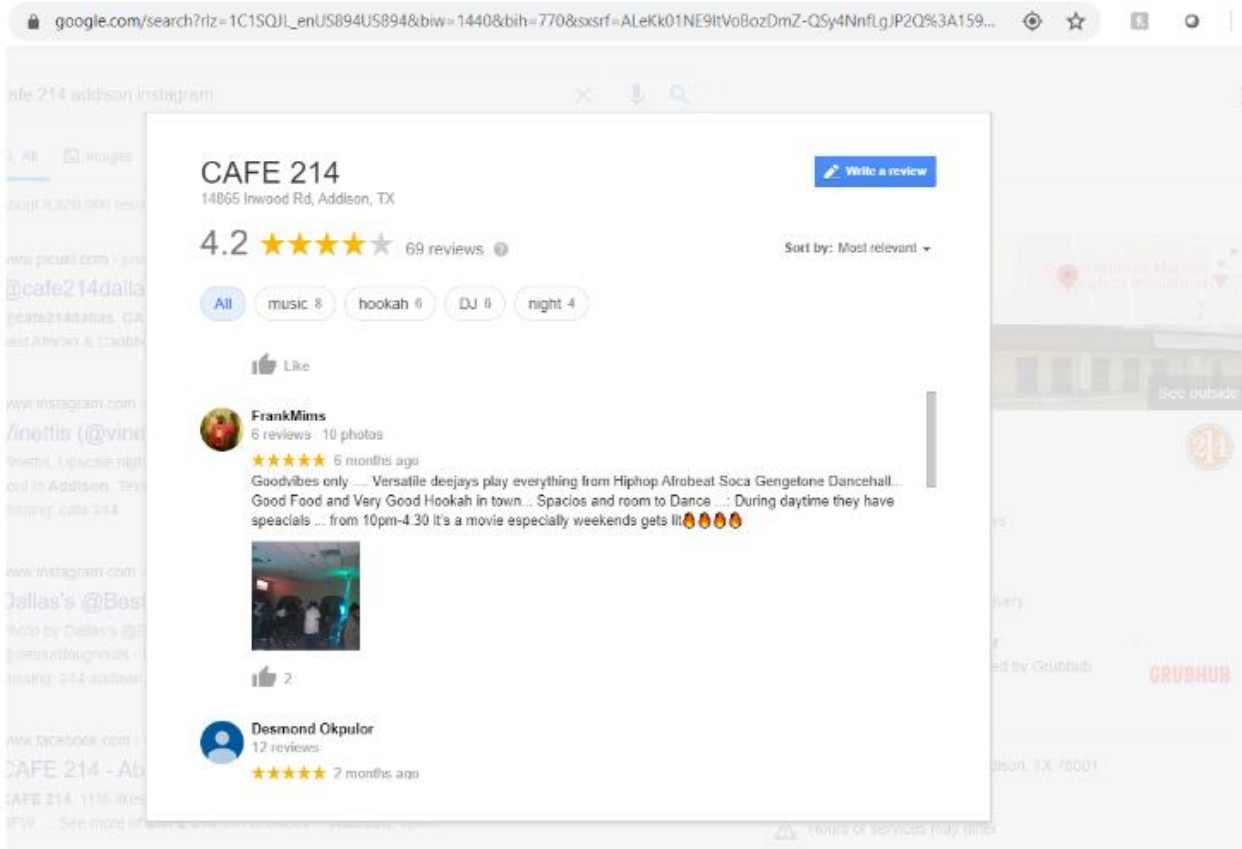
Photo shows DJ booth setup on the right and night club light systems on the ceiling.



Photo shows large sound speakers.



# EXHIBIT C



Customer photos and video show dance floor, DJ, and night club atmosphere.

EXHIBIT D

Promotional materials for Ultra Saturdays at Café 214.

The image is a screenshot of a social media post on Picuki. The browser address bar shows 'picuki.com/media/2262208279325519800'. The Picuki interface includes a search bar with the text 'Search profiles, tags and locations', a 'Trending' button, and a menu icon. The main content is a promotional poster for 'Ultra Saturdays' at Café 214. The poster features a woman in a green turtleneck covering her mouth, with other people in the background. Text on the poster includes: 'CAFE 214 & AFRINAT ENT. PRESENT', 'MARCH 14', 'ULTRA Saturdays', 'st. patrick's day edition', 'SPECIAL GUEST- DJ BABU ALONGSIDE DJ NANA B & DJ ACE', 'BRING YOUR OWN BOTTLES', 'PARTY HOURS 10PM-4.30AM', 'KITCHEN HOURS 12PM-4AM', 'CAFE 214 HOOKAH LOUNGE', '14865 INWOOD ROAD, ADDISON, TX, 75001', 'RESERVATIONS :469.412.3333', and 'PARTY HOOKAH FOOD'. Below the poster, the post is attributed to '@cafe214dallas' and dated '2 months ago'. The caption reads: 'Takeover DJs - DJ Babu this #Saturday - #SaintPatricksDay at #CAFE214 for #UltraSaturdays an upscale spot with a killer Audio, Visual & Lighting system + International DJs who " drop it like it's hot " ... You gotta experience the energy when that bass beat drops! Party from 10PM 'til 4.30AM! Kitchen Hours: 5PM-10PM (Tue.-Thurs.) & 12PM-4.30AM (Fri.-Sun.) #Pisces #Dallas #Texas #Foodie #Africa #Caribbean #African #JerkChicken #Oxtail #Plano #Richardson #FarmersBranch #Lewisville #AfroBeat #Jamaica #Nigeria #Ghana #Kenya #HipHop #Reggae #Swahili #International'. At the bottom, there is a 'Location CAFE 214' field and a 'Download' button.

# EXHIBIT D

Promotional materials for Ultra Saturdays at Café 214.

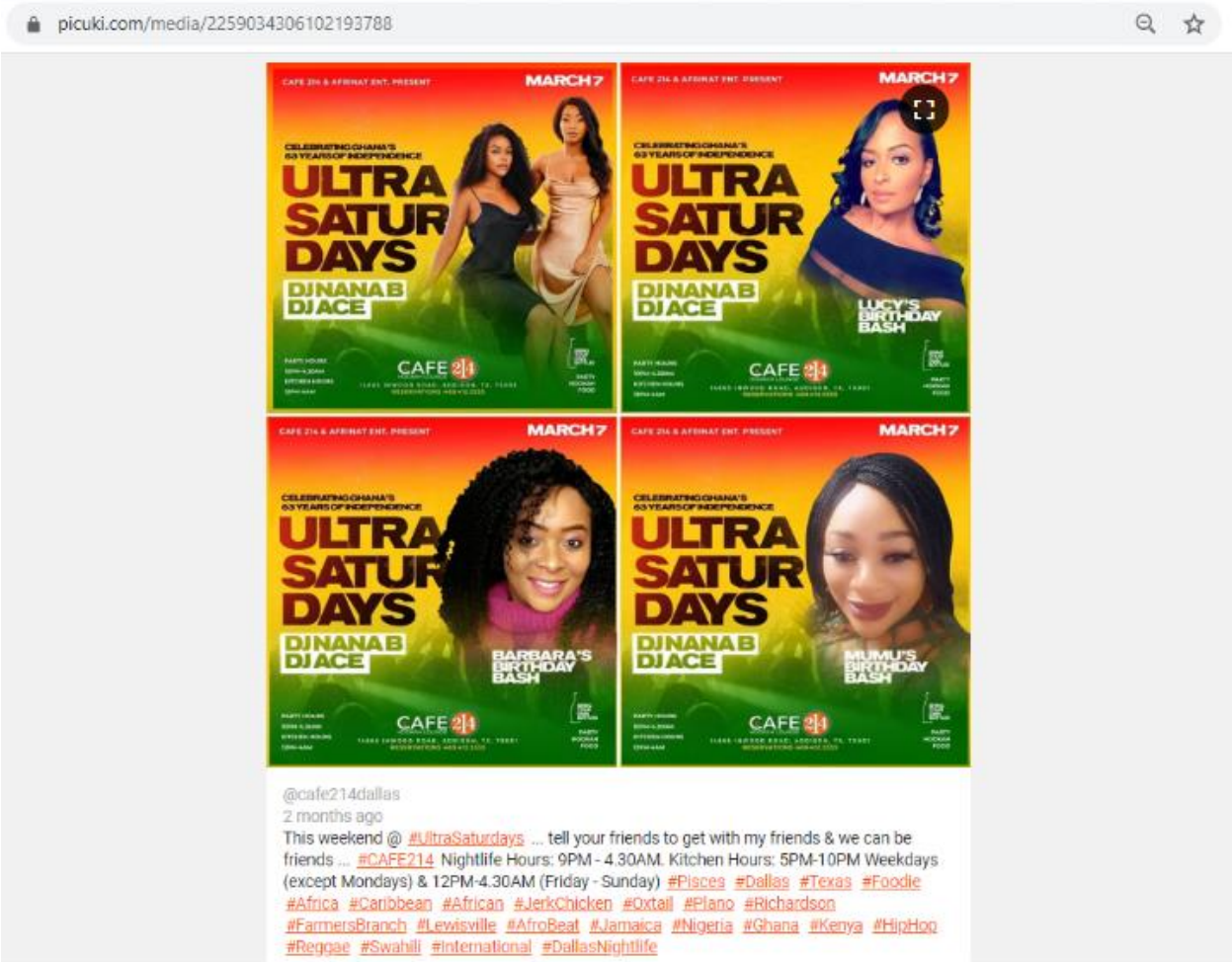


EXHIBIT D

Promotional materials for Ultra Saturdays at Café 214.

picuki.com/media/2238284700762762542



@cafe214dallas  
3 months ago

Join us this Saturday as we celebrate [#BlackHistoryMonth](#)! Hours: Kitchen 12P-4.30A & Nightlife 10P-4.30A. ----- 📞 Call/SMS/WhatsApp: 469.412.3333 to make your reservation, reserve seating, or to plan your next event with newest hottest restaurant & lounge in North Dallas. [#CAFE214](#) [#CAFE214Dallas](#) [#Dallas](#) [#Africa](#) [#Caribbean](#) [#Addison](#) [#DallasEvents](#) [#DFWEvents](#) [#DFW](#) [#DallasHappyHour](#) [#HappyHour](#) [#WhatToDoInDallas](#) [#AddisonRestaurants](#) [#Hookah](#) [#DallasFood](#) [#DallasClubs](#) [#BestOfDallas](#) [#Cocktails](#) [#DallasLunch](#) [#So214](#)



EXHIBIT D

Promotional materials for Ultra Saturdays at Café 214.

picuki.com/media/2335858153291578325



@cafe214dallas

1 week ago

Tonight @ [#UltraSaturdays](#) ... [#FathersDay](#) & [#Juneteenth](#) weekend [#CAFE214](#) Nightlife Hours: 9PM-4AM Saturday Kitchen Hours: 12PM-4AM [#Gemini](#) [#Dallas](#) [#Texas](#) [#Foodie](#) [#Africa](#) [#Caribbean](#) [#African](#) [#JerkChicken](#) [#Oxtail](#) [#Plano](#) [#Richardson](#) [#FarmersBranch](#) [#Lewisville](#) [#AfroBeat](#) [#Jamaica](#) [#Nigeria](#) [#Ghana](#) [#Kenya](#) [#HipHop](#) [#Reggae](#) [#Swahili](#) [#International](#) [#DallasNightlife](#)

Location [CAFE 214](#)

Edit

Download

EXHIBIT D

Promotional materials for Ultra Saturdays at Café 214.

picuki.com/media/2341240784086654716



@cafe214dallas  
2 days ago

Tonight @ [#UltraSaturdays](#) @ [#CAFE214](#) Nightlife Hours: 9PM-4AM Saturday Kitchen Hours: 12PM-4AM [#Gemini](#) [#Dallas](#) [#Texas](#) [#Foodie](#) [#Africa](#) [#Caribbean](#) [#African](#) [#JerkChicken](#) [#Oxtail](#) [#Plano](#) [#Richardson](#) [#FarmersBranch](#) [#Lewisville](#) [#AfroBeat](#) [#Jamaica](#) [#Nigeria](#) [#Ghana](#) [#Kenya](#) [#HipHop](#) [#Reggae](#) [#Swahili](#) [#International](#) [#DallasNightlife](#)

Location [CAFE 214](#)


Edit

Download

EXHIBIT D


Promotional materials for 214 Fridays.

picuki.com/media/2262478313172024151



@cafe214dallas  
2 months ago  
\* Awwwwh that's my track \* @therealdjphife tearing up #214Fridays @CAFE214DALLAS - 14865 Inwood Road, Addison, TX, 75001. #Hookah + #BYOB + #Food + #DJs + FREE Ample Parking! Happy Hour Til' Nightlife Kicks Off @ 9PM onwards. Kitchen Open Late. Table Reservations: CALL/SMS/WHATSAPP: 469.412.3333 #HipHop #Top40 #Afrobeat #Dallas #Pisces #SXSW #Texas #Foodie #Vegan #Africa #Caribbean #African #JerkChicken #Oxtail #Plano #Richardson #FarmersBranch #Lewisville #Jamaica #Nigeria #Kenya

picuki.com/media/2258605986873097459



@cafe214dallas  
2 months ago  
#214Fridays @CAFE214DALLAS - 14865 Inwood Road, Addison, TX, 75001. #Hookah + #BYOB + #Food + #DJs + FREE Ample Parking! Happy Hour Til' Nightlife Kicks Off @ 9PM onwards. Kitchen Open Late. Table Reservations: CALL/SMS/WHATSAPP: 469.412.3333 #HipHop #Top40 #Afrobeat #Dallas #Pisces #SXSW #Texas #Foodie #Vegan #Africa #Caribbean #African #JerkChicken #Oxtail #Plano #Richardson #FarmersBranch #Lewisville #Jamaica #Nigeria #Kenya #Reggae #International #Hennessy #Winter



# EXHIBIT D

Promotional materials for House of Hookah Fridays.

The screenshot shows an Eventbrite event page for "House of Hookah Fridays" by CHMG & DJ Phife. The event is priced at \$15 - \$35 and is categorized as "Multiple Dates". The main visual is a vibrant pink and purple graphic with the text "GEMINI Season" in a stylized font. Below the main image, there is a section titled "About this Event" which states: "House of Hookah Happy Hour | Social Distancing at its finest!" and "Brought to you by Crown Holders + DJ Phife". It invites attendees to join for an upscale hookah experience every Friday night. To the right of the event details, the location is listed as "CAFE 214, 14865 Inwood Road, Addison, TX 75001". A "Refund Policy" section indicates "No Refunds". At the bottom, there are tags for "United States Events", "Texas Events", "Things To Do in Addison, TX", "Addison Parties", and "Addison Music Parties". A secondary promotional image at the bottom of the event details shows the event date as "25TH MAY FRI" and lists the sound by "DJ MIKE REED + DJ PHIFE". The CAFE 214 logo and contact information are also visible in this smaller image.



# EXHIBIT D

Promotional materials for House of Hookah Fridays.

The screenshot shows a mobile browser view of an Eventbrite event page. The browser's address bar displays the URL: eventbrite.com/e/house-of-hookah-fridays-tickets-93862815207. The event title is "House of Hookah Fridays" with dates "Fri, May 29, 2020 9:00 PM - Sat, May 30, 2020 1:00 AM CDT". The main visual is a promotional banner for "GEMINI Season" with a pink and purple color scheme. Below the banner, three ticket options are listed:

- 2 Seater Table (2 People)**: \$15.00 + \$2.26 Fee. Sales end in a day. Quantity: 0.
- 4 Seater Table (4 People)**: \$25.00 + \$2.63 Fee. Sales end in a day. Quantity: 0.
- VIP Booth (6 People)**: \$35.00 + \$3.01 Fee. Sales end in a day. Quantity: 0.

At the bottom of the ticket list, it says "Powered by eventbrite" and "English (US)". A "Checkout" button is located at the bottom center. On the right side of the page, there is a shopping cart icon.

# EXHIBIT D

Promotional materials for House of Hookah Fridays on July 3, 2020.

eventbrite.com/e/house-of-hookah-fridays-tickets-93863890423?aff=erellivmlt

JUL 03

## House of Hookah Fridays

by CHMG & DJ Phife [Follow](#)

\$40 - \$75

[Share](#) [Heart](#) Sold Out [Details](#)

House of Hookah Happy Hour | Social Distancing at its finest!

### About this Event

Brought to you by Crown Holders + DJ Phife

Join us Each & Every Friday Night for an Upscale Hookah Experience. Join us as we combine social distancing and happy hour this Friday!!!

Date And Time:  
Fri, Jul 3, 2020, 9:00 PM -  
Sat, Jul 4, 2020, 1:00 AM CDT  
[Add to Calendar](#)

Select a different date [v](#)

Location:  
CAFE 214  
14865 Inwood Road  
Addison, TX 75001  
[View Map](#)

### House of Hookah Fridays

Fri, Jul 3, 2020 9:00 PM - Sat, Jul 4, 2020 1:00 AM CDT

<b>4 Seater Table (4 People)</b> \$40.00 +\$3.19 Fee	Sold out
<b>VIP Booth (6 People)</b> \$75.00 +\$4.50 Fee	Sold out

Powered by [eventbrite](#) English (US) [v](#)

# EXHIBIT D

Promotional materials for House of Hookah Fridays on July 10, 2020.

eventbrite.com/e/house-of-hookah-fridays-tickets-93863892429?aff=erevivmit

JUL 10

## House of Hookah Fridays

by CHMG & DJ Phife [Follow](#)

\$40 - \$75

[Tickets](#)

House of Hookah Happy Hour | Social Distancing at its finest!

### About this Event

Brought to you by Crown Holders + Dj Phife

Join us Each & Every Friday Night for an Upscale Hookah Experience. Join us as we combine social distancing and happy hour this Friday!!!

Date And Time  
Fri, Jul 10, 2020, 9:00 PM - Sat, Jul 11, 2020, 1:00 AM CDT  
[Add to Calendar](#)

Select a different date

Location  
CAFE 214  
14865 Inwood Road  
Addison, TX 75001  
[View Map](#)

### House of Hookah Fridays

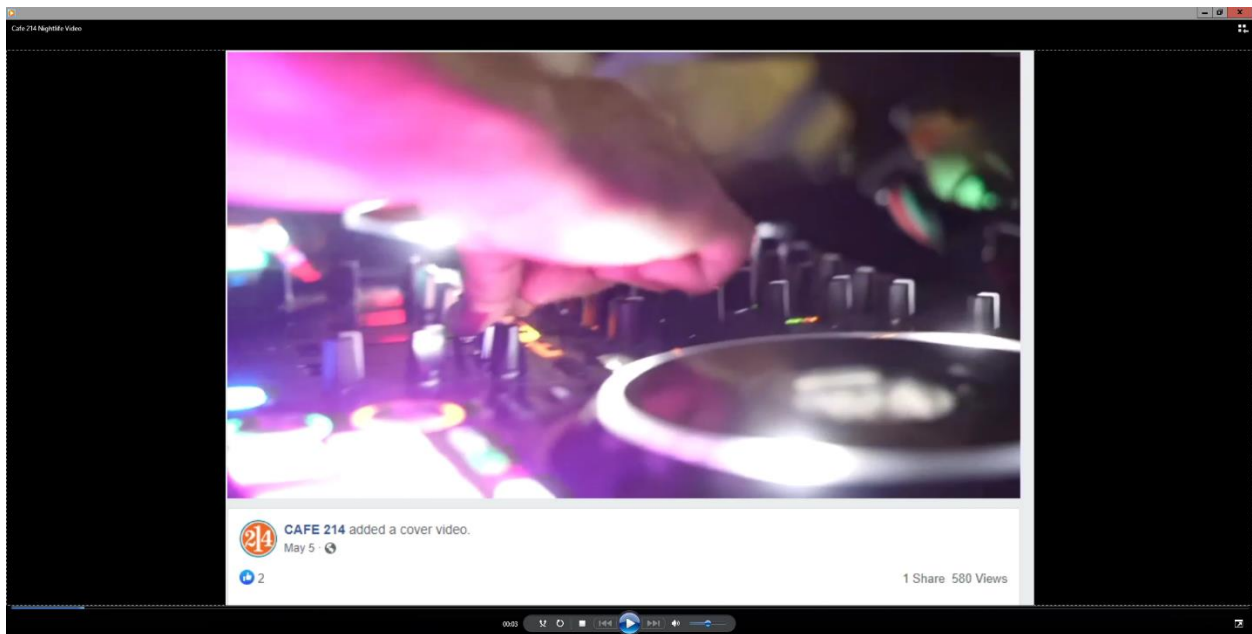
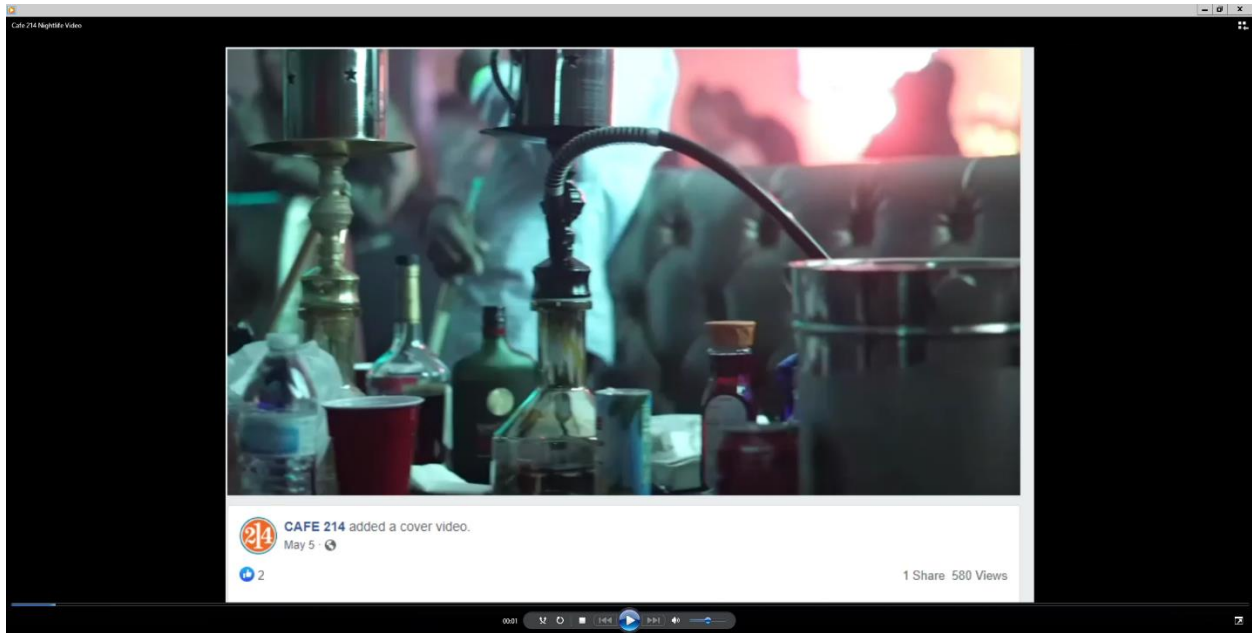
Fri, Jul 10, 2020 9:00 PM - Sat, Jul 11, 2020 1:00 AM CDT

<b>4 Seater Table (4 People)</b> \$40.00 +\$3.19 Fee Sales end on Jul 10, 2020	0
<b>VIP Booth (6 People)</b> \$75.00 +\$4.50 Fee Sales end on Jul 10, 2020	0

Powered by [eventbrite](#) English (US)

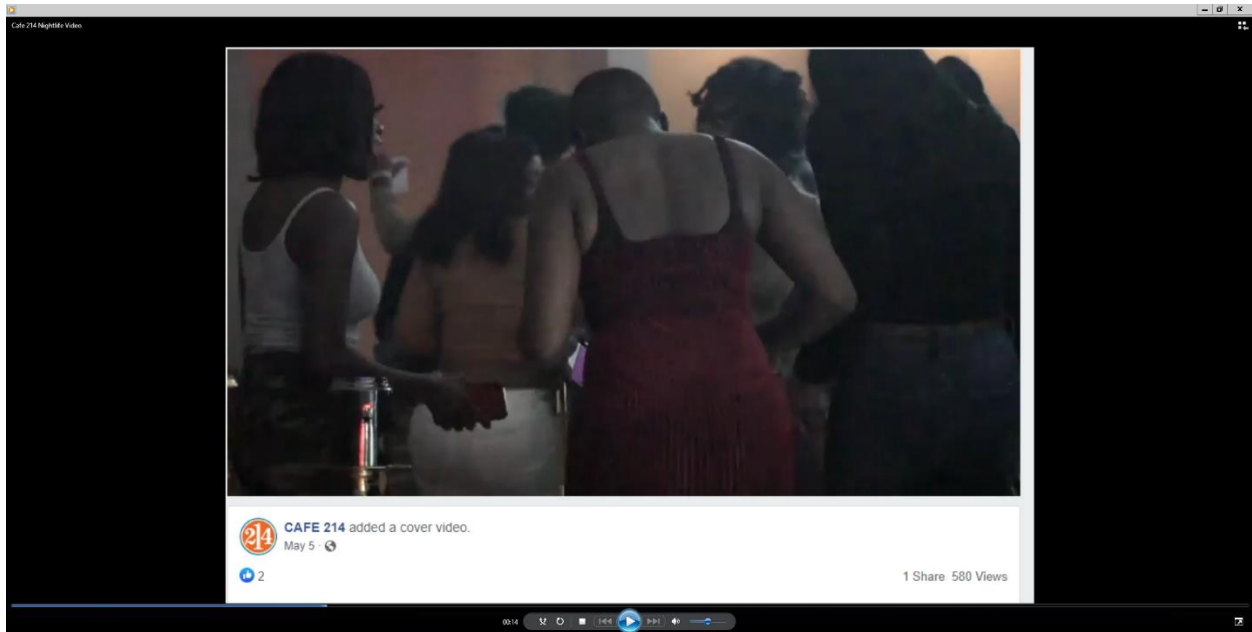
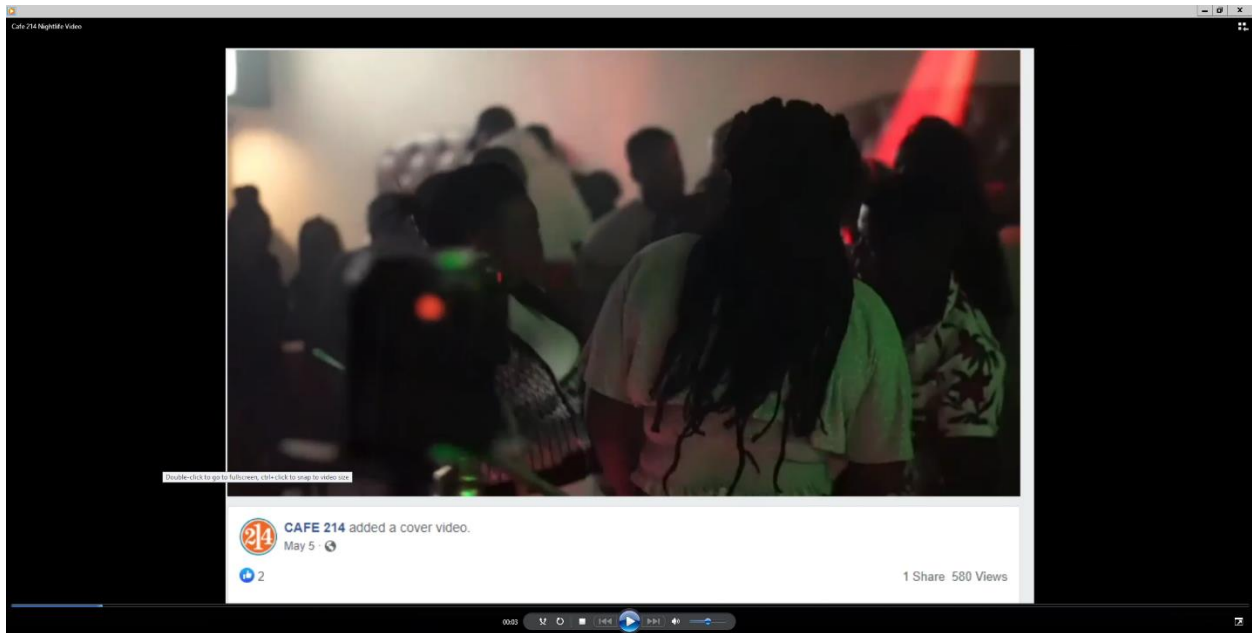
# EXHIBIT E

Screenshots from promotional video post by Café 214 on May 5, 2020.



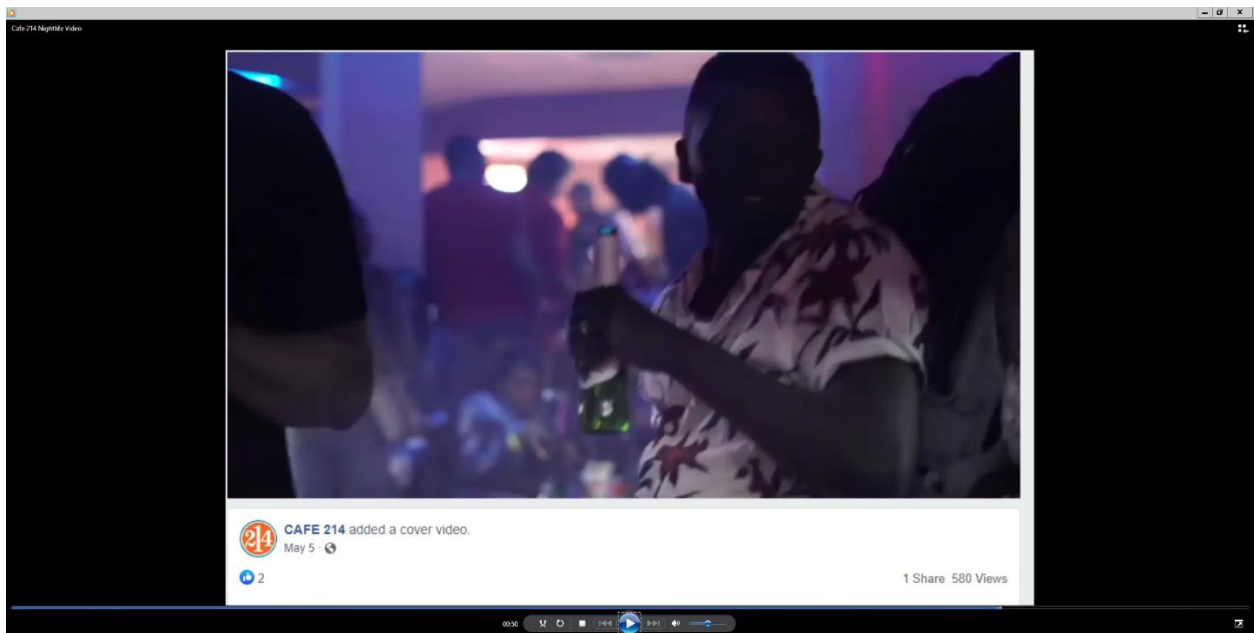
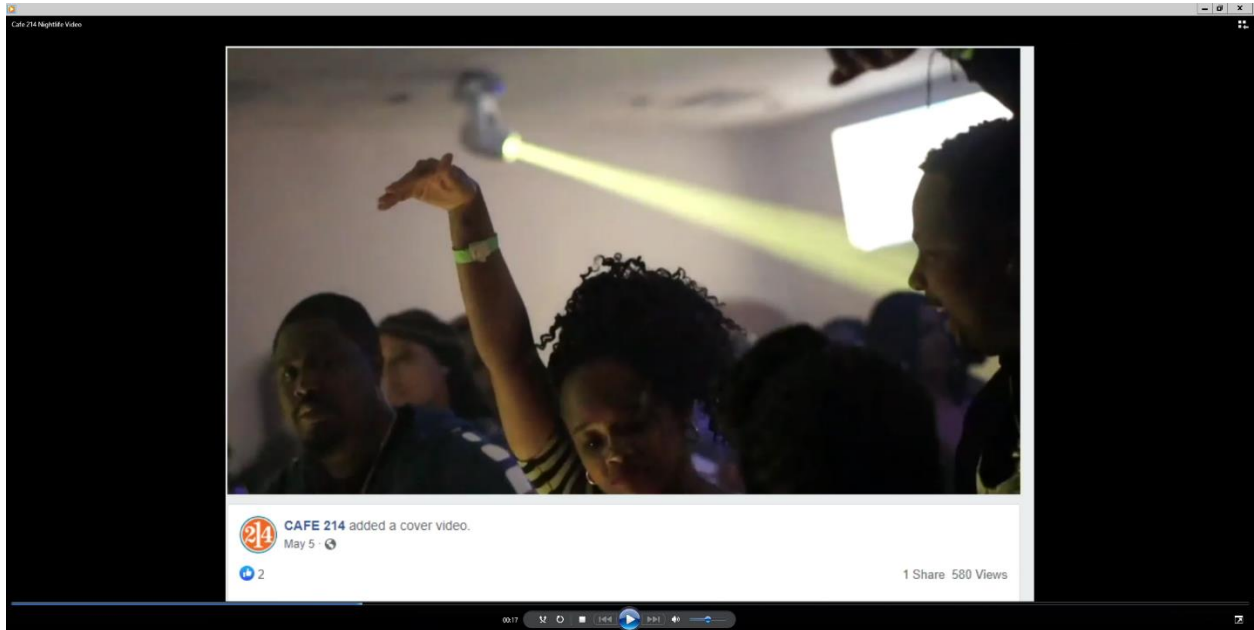
# EXHIBIT E

Screenshots from promotional video post by Café 214 on May 5, 2020.



# EXHIBIT E

Screenshots from promotional video post by Café 214 on May 5, 2020.





TOWN OF ADDISON  
BOARD OF ADJUSTMENT

APPEAL NO. \_\_\_\_\_

IN RE:

CAFÉ 214, LLC,  
Appellant.

§ APPEAL OF REVOCATION OF  
§  
§ CERTIFICATE OF OCCUPANCY  
§ NO. 000607-2019  
§  
§ AND FOOD SERVICE PERMIT  
§ NO. 1375-09-2019

---

NOTICE OF APPEAL

---

TO THE BOARD OF ADJUSTMENT:

Pursuant to Article XXIV, Section 2 of Appendix A to the Town of Addison’s Code of Ordinances, Appellant CAFÉ 214, LLC (“Appellant”), files this its Notice of Appeal to the Town of Addison Board of Adjustment (the “Board”). Appellant desires to appeal from the decision against Appellant by the Town of Addison (the “City”) and Charles Goff, AICP, Director of Development Services (“Goff”) dated July 28, 2020 to revoke Appellant’s Certificate of Occupancy No. 000607-2019(the “CO”) and Food Service Permit No. 1375-09-2019 (the “Permit”) for Appellant’s

business located at 14865 Inwood Road, Addison, Texas 75001 (the “Property”). The revocation of Appellant’s CO and Permit was based on an incorrect interpretation and misapplication of Addison’s Code of Ordinances and the Special Use Permits applicable to the Property. In the alternative, Appellant would propose an equally good or better form of construction.

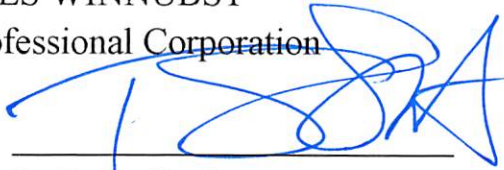
Pursuant to Article XXIV, Section 2 of Appendix A to the Town of Addison’s Code of Ordinances, “[a]n action appealed from shall stay all proceedings upon the action appealed[.]” As such, the revocation of the CO and Permit is stayed during the pendency of this appeal.



Respectfully Submitted,

SHEILS WINNUBST  
A Professional Corporation

By: \_\_\_\_\_



T. Craig Sheils  
State Bar No. 18187350  
Kimberly A. Quirk  
State Bar No. 24104776

1100 Atrium II  
1701 N. Collins Boulevard  
Richardson, Texas 75080  
Telephone: (972) 644-8181  
Facsimile: (972) 644-8180  
Email: [craig@sheilswinnubst.com](mailto:craig@sheilswinnubst.com)  
Email: [kimberly@sheilswinnubst.com](mailto:kimberly@sheilswinnubst.com)

ATTORNEYS FOR APPELLANT

## CERTIFICATE OF SERVICE

On this 6th day of August, 2020, I hereby certify that a true and correct copy of the above and foregoing Notice of Appeal was served upon:

the Town of Addison via email to the City Secretary, Irma Parker at [iparker@addisontx.gov](mailto:iparker@addisontx.gov);

Charles Goff, AICP, Director of Development Services via email to [cgoff@addisontx.gov](mailto:cgoff@addisontx.gov);

Paul Spencer, Chief of Police via email to [policechief@addisontx.gov](mailto:policechief@addisontx.gov);

Bill Elliot, Building Official via [belliot@addisontx.gov](mailto:belliot@addisontx.gov);

Olga Chernomorets, AICP, Planning and Development Manager via [ochernomorets@addisontx.gov](mailto:ochernomorets@addisontx.gov);

Sanda Long, Environmental Health Manager via [slong@addisontx.gov](mailto:slong@addisontx.gov); and,

Board of Adjustment via hand delivery to Department of Development Services.



\_\_\_\_\_  
T. Craig Sheils

## **Board of Adjustment Hearing**

**Meeting Date:** 09/10/2020

---

### **Agenda Caption:**

NOTE: The Board of Adjustment reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

### **Staff Report:**

---