

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, January 13, 2014

CASE NUMBER: C15-2014-0005

_____ Jeff Jack
_____ Michael Von Ohlen
_____ Will Schnier
_____ Bryan King
_____ Fred McGhee
_____ Melissa Hawthorne
_____ Sallie Burchett
_____ Cathy French (SRB only)

APPLICANT: Katherine Loayza

OWNER: Todd Pearah

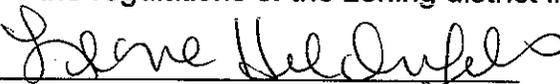
ADDRESS: 7501 LAMAR BLVD

VARIANCE REQUESTED: The applicant has requested variances from Sections 25-2-816 (B) (1) which states an alternative financial services business use may not be located on a site that is within 1,000 feet of a site that contains another alternative financial services business use; 25-2-816 (B) (2) within 200 feet of a property in a base, combining or overlay district in which a residential use is allowed or in which a residential use is located; and 25-2-816 (C) an alternative financial services business use may be located only within a freestanding structure and may not be co-located in the same structure with other uses in order to maintain an alternative financial services business use in a "TOD-NP", Transit Oriented District – Neighborhood Plan zoning district. (Highland Neighborhood Plan)

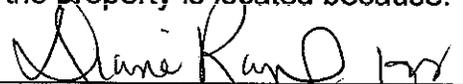
BOARD'S DECISION: POSTPONED TO MARCH 10, 2014

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



Leane Heldenfels
Executive Liaison



Jeff Jack
Chairman

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
 - appearing and speaking for the record at the public hearing;
- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2014-0005 - 7501 N Lamar Blvd
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, January 13th, 2014

Your Name (Please print) Craig Chick

Your address(es) affected by this application 708 W. Crestland Dr. 78752

Signature Craig Chick Date 1/31/14

Daytime Telephone: (512) 839-1005

Comments: I strongly object to the variance for this use. Our neighborhood is zoned with farm shops & Sunday dinner businesses. There had my home broken into through the back of the people walk down the street of from the neighborhood each time.

I am in favor
 I object

If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, January 13th, 2014

Your Name (*please print*)

Craig Chick

I am in favor
 I object

Your address(es) affected by this application

708 W. Crestland Dr. 78752

Signature

Date

Daytime Telephone: *1512) 829-1005*

Comments: *A strongly object to nuisance for this*

are. Our neighborhood is littered with brown spots of

poor dog waste by owners,

Some had my home broken into through

the people walk along the street of person the

merchandise such as...

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Case Number: C15-2014-0005 - 7501 N Lamar Blvd
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, January 13th, 2014

Donna Meadows
 Your Name (please print) I am in favor
 Object

631 Amesbury Lane 78752
 Your address(es) affected by this application

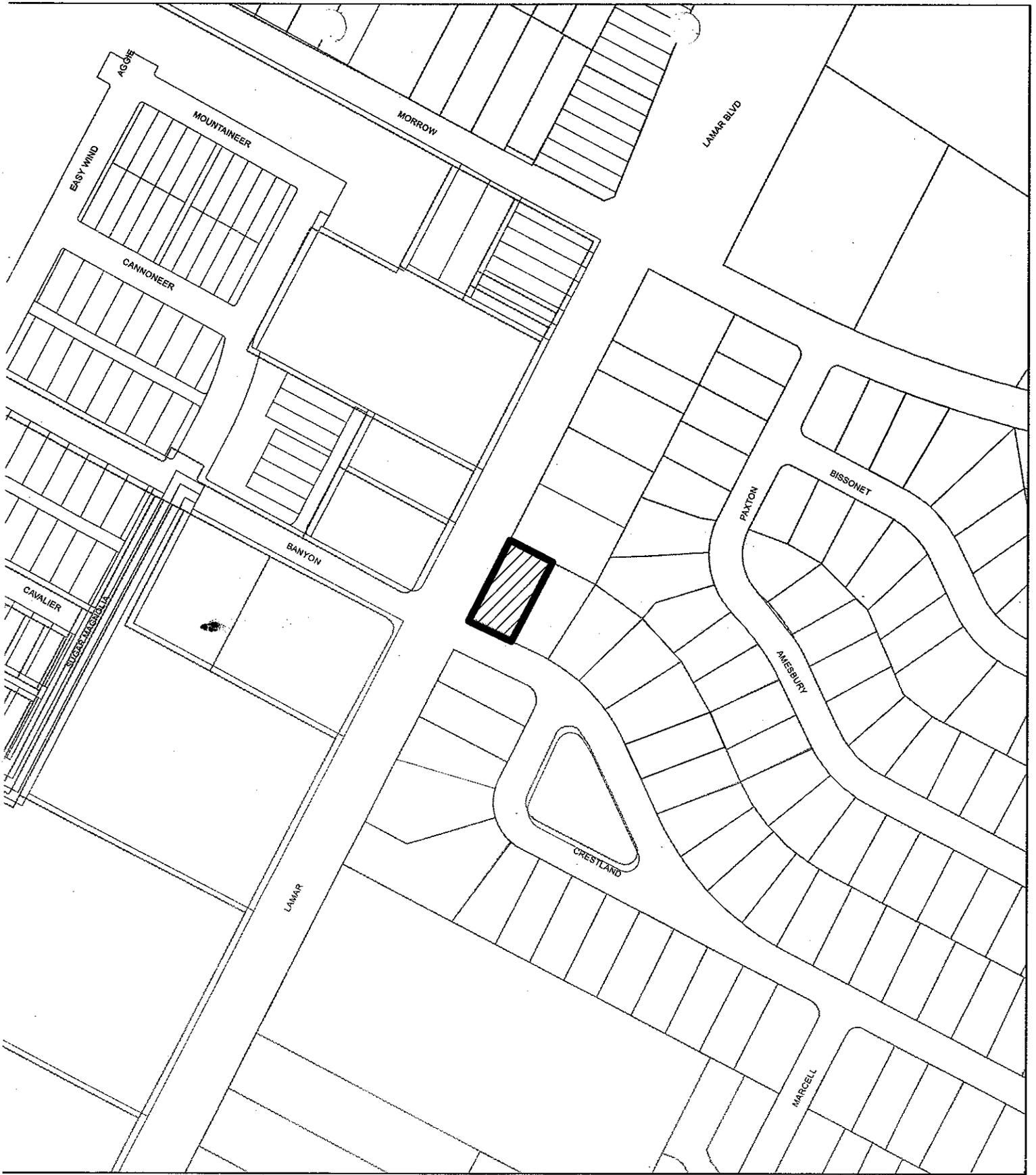
Donna Meadows
 Signature *1/14/14*
 Date

Daytime Telephone: *512 773 0389*

Comments: *Lamar, between Airport and 183, ~~is~~ on the east side primarily does not belong to the neighborhood and either side of Lamar. It already has too many wood like shops and this "alternatives" program does not have the same potential. These values & give potential.*

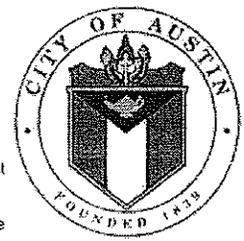
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Home buyers & local neighbors - good neighbors - good.




 SUBJECT TRACT
 ZONING BOUNDARY

CASE#: C15-2014-0005
 LOCATION: 7501 N LAMAR BLVD



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
 This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Walker, Susan

CS-2014-0005

From: Loayza, Katherine <~~kloayza@jw.com~~>
Sent: Wednesday, January 08, 2014 4:33 PM
To: Walker, Susan
Cc: Nias, Jim
Subject: 7501 N. Lamar B.O.A. variance request

Susan,

We are hereby requesting a two month postponement, or March 10, 2014, of the B.O.A. variance submitted for 7501 N. Lamar due to the communication we received from the Planning and Development Review Department on Jan. 7, 2014 which identified new zoning compliance issues which we were not aware of regarding this property. We anticipate that the additional time will allow us to resolve the new issues in order that we may pursue final resolution of the case.

Thank you,

Katherine Loayza

Land Use Consultant

Jackson Walker L.L.P

100 Congress Avenue Suite 1100

Austin, TX 78701

O: (512) 236-2259

F: (512) 691-4412

kloayza@jw.com

www.jw.com



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To: Members of the Board of Adjustment
Re: Case C15-2014-0005 / TX Title Loan & Pronto Insurance at 7501 N. Lamar

I am writing to request that you DENY all of the variances requested by the applicant.
Without being privy to their arguments, I'll present my thoughts.

Reasonable Use:

The zoning regulations do allow for a reasonable use on this site - it's just not this one.

Hardship:

It seems to me that the only possible hardship is the code itself - i.e. they have no hardship.
If the hardship is indeed the code, then the hardship IS general to the area in which the property is located by its' very nature - i.e. lots nearby will also be in violation of 25-2-816 (B) (1) and 25-2-816 (B) (2) and possibly 25-2-816 (C).

Area Character:

This portion of N. Lamar runs between 2 well-established neighborhoods, Highland and Crestview, and is also adjacent to the new development at the Crestview Station TOD.

It is an area in transition. Certainly, a lively mix of neighborhood oriented storefronts and services is what makes sense for this corridor.

[see map following page]

I've mapped all the various 'loan outlets' on the .52 mi portion of N. Lamar between Justin Ln. and Morrow St. While the pawn shops and the corner store fall into different land use categories, they are all similar types of businesses involved in [potentially] predatory lending practices - I saw signs at the pawn shops offering payday lending and offers to buy out title loans - the lines seem really blurry . . .

At any rate, you can see there plenty of 'loan outlets' already!

Granting this variance will absolutely erode the character of the area by eliminating the opportunity for a more appropriate neighborhood-oriented use to occupy the property.

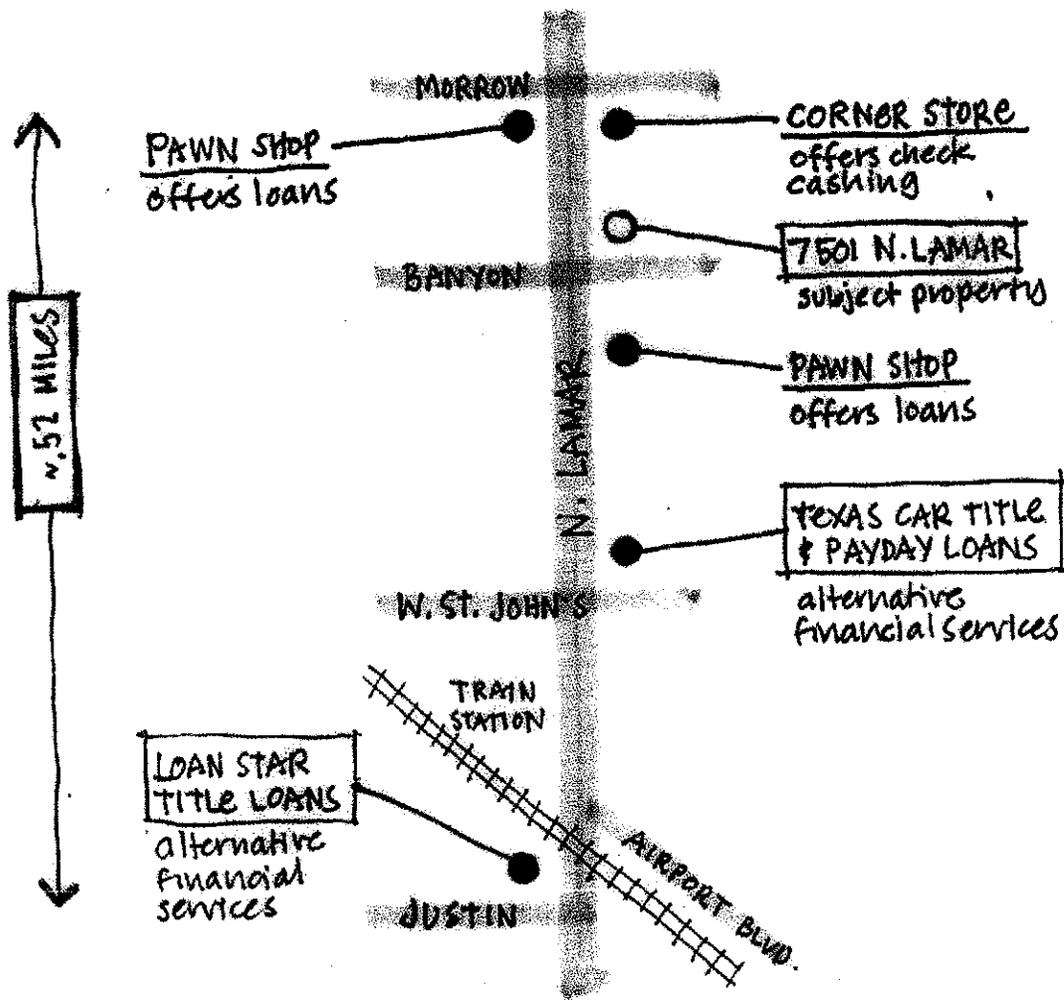
In short, these applicants can find a site that works for their concept and complies with code -
SOMEWHERE ELSE!

It is not your duty to facilitate their business plan by granting these variances.

Heidi Goebel
7505 Grover Ave - in Crestview

Curious postscript?

There is already a sign up advertising this business at this location



N. 5.2 MILES

PAWN SHOP
offers loans

MORROW

CORNER STORE
offers check
cashing

BANYON

7501 N. LAMAR
subject property

N. LAMAR

PAWN SHOP
offers loans

W. ST. JOHNS

TEXAS CAR TITLE
& PAYDAY LOANS
alternative
financial services

TRAIN
STATION

LOAN STAR
TITLE LOANS
alternative
financial
services

JUSTIN

AIRPORT BLVD.

Walker, Susan

From: Alex Schmitz <[REDACTED]>
Sent: Sunday, January 12, 2014 2:26 PM
To: Walker, Susan; Marla Schmitz
Subject: Variance Request - C15-2014-0005

Hi Ms. Walker,

Please ensure that this letter is in the board members folders for the board of adjustment hearing on jan 13th regarding C15-2014-0005. I would appreciate you contacting me by email or phone to let me know that the board members will have a copy of this letter

I am writing to protest the Land Use Code variance request made for 7501 N. Lamar, case C15-2014-0005, hearing held January 13th.

I am the president of Highland Neighborhood Association, and this title loan company requesting the variance is within our neighborhood boundary.

* This business is the third alternative lending institution on one block.

* These businesses are not an asset to the neighborhood.

* They do not attract families to our neighborhood, nor are they the kinds of businesses that provide services and goods that our community would like to have access to.

* These title loan companies do not create a "compete community" as envisioned in Imagine Austin's plan for Austin's future, in which our neighborhood and the Town Center around Crestview Station has walkable access to daily needs.

In City Council Resolution 20110818-079, City Council stated concern regarding the "harmful effects" of alternative lending practices, and that there is "public benefit to restricting locations of payday and auto title lenders to reduce the negative impact on consumers in our community".

Please stand by the Land Use Codes created by City Council to protect our community by NOT granting this variance.

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, January 13th, 2014

Valerie Kanak
 Your Name (please print) I am in favor
 I object

702 W Crestland Dr
 Your address(es) affected by this application

Sue K
 Signature *1/9/2014*
 Date

Daytime Telephone: *512 689 8783*

Comments:

There are currently far too many financial services businesses in this area.

If you use this form to comment, it may be returned to:
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Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2014-0005
ROW # 11061372

TP-023310-06-20

**CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE**

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 7501 N. Lamar

LEGAL DESCRIPTION: Subdivision - Northway Crest Sec. 2

Lot(s) 1 Block C Outlot _____ Division _____

We, Katherine Loayza and Jim Nias, as authorized agents for Texas Loan Brokers I, LLC d/b/a Texas Title Loans, affirm that on ^{Dec. 2} ~~November~~ _____, 2013, hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

____ ERECT ____ ATTACH ____ COMPLETE ____ REMODEL X MAINTAIN

An existing legal non-conforming Alternative Financial Services Business use located at 7501 N. Lamar as allowed in a TOD-NP district.
(zoning district)

Note: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

Requested Variances:

X Section 25-2-816 (B)(1) – an Alternative Financial Services Business use may not be located within 1,000 feet of a site with another alternative financial services business use.

There is one other establishment that appears to be an Alternative Financial Services Business use located within 1000 feet of the subject site. (Confirmation of this other business use will have to be obtained from the City of Austin).

Section 25-2-816 (B)(2) – an Alternative Financial Services Business use may not be located within 200 feet of property in a base, combining or overlay district in which a residential use is allowed or in which a residential use is located; and Section 25-2-816 (C) – an Alternative Financial Services Business use may be located only within a freestanding structure and may not be co-located in the same structure with other uses.

This existing business is and has for years been located within ten feet of a residential use. The commercial building on this site had a certificate of occupancy issued in 1979 for two retail spaces. The Zoning Ordinance in effect at the time the original building permit and certificate of occupancy were issued was Chapter 45 of the City Code of 1967. The zoning classification of the property at that time was "GR" General Retail, which included financial service types of uses within its purview. At that time, the term "retail" referred to a zoning classification, not a specific type of use category. The certificate of occupancy was re-issued in 2007, at the time that Texas Title Loans occupied one of the lease spaces. None of the permits subsequently issued for Texas Title Loans was deemed to have triggered a requirement for a new certificate of occupancy.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The Land Development Code was amended in April 2012 to create the Alternative Financial Services Business use. This new use category was accompanied by new (and questionable) administrative rules for determining grandfathering which were applied only to existing Financial Services uses.

The only reason why a question has been raised about whether Texas Title Loans should be considered a legal non-conforming use, which based upon the applicable City Code it should be, is because the City staff now requires a new certificate of occupancy for the existing use even though there has been no new building permit activity, nor any other work that changed the current Building Occupancy Use Classification pursuant to the Commercial Building Codes applicable from 1979 to the present day.

When Texas Title Loans submitted the newly required registration for a "Credit Access Business", it was denied based upon the question raised by the Building Official over

whether the existing certificate of occupancy was valid, merely because it does not reference the specific use category from the current Land Development Code, but rather cites "lease space retail/commercial retail sales bldg." in accordance with the City Codes and practices which were applicable at the time. The owners were advised to seek B.O.A. variances to the current ordinance.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

The existing business was established at this site approximately six (6) years ago. Regardless of the amendment to the Land Development Code to establish Alternative Financial Services Business use, the existing business should be allowed to continue as a legal non-conforming use considering the length of time at this site without any prior zoning violations or building code issues. There was no change in parking or any other existing site development characteristic. We believe that the site does have a valid certificate of occupancy and should be allowed to continue the existing use.

- (b) The hardship is not general to the area in which the property is located because:

We are unaware of any other pre-existing financial services use which is now subject to the Alternative Financial Service Businesses use definition and which has been denied a certificate of occupancy. The apparently adjacent Alternative Financial Services Business use, EZPawn/EZLoan, was issued a Credit Access Business registration based upon a 1984 certificate of occupancy which also does not state a zoning use from the current Code, but refers to the use as a commercial building, as does Texas Title Loan's certificate of occupancy.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The use has existed for approximately six (6) years at this location and has not had a negative impact on adjoining residential or other commercial uses. There have been no complaints. Granting the requested variances will not impair the purpose of the zoning regulations because the current regulations which apply to new Alternative Financial Services Business uses and should not be retroactively applied to this existing establishment. That is not the purpose or intent of the zoning regulations.

Note: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE: - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed: Katherine Loayza Mail Address 100 Congress, Suite 1100
City, State & Zip Austin, Texas 78701

Printed Katherine Loayza Phone (512) 235-2259 Date 12/2/13

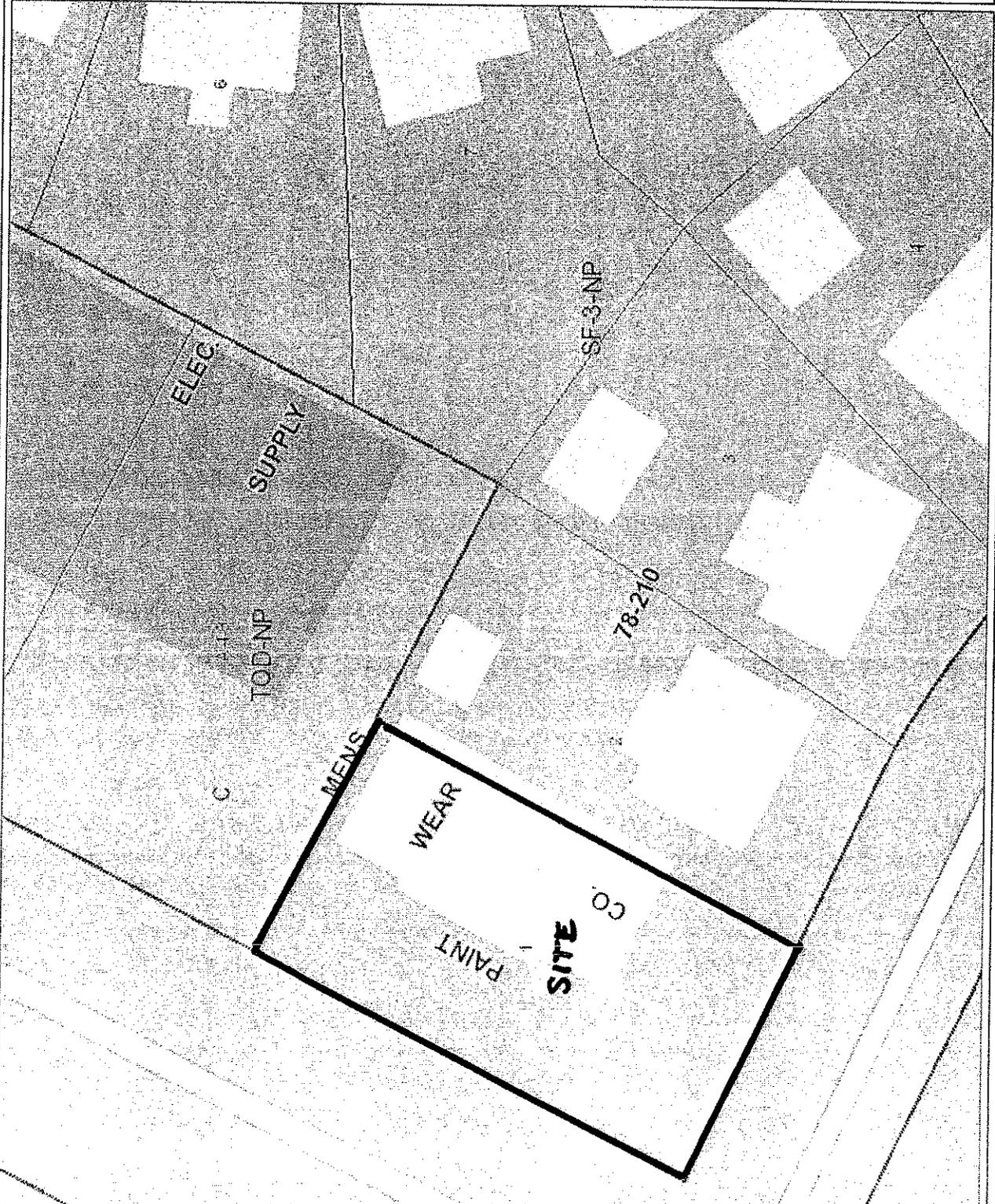
OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed: Todd Pearah Mail Address Todd Pearah

City, State & Zip 12751 Hwy 198, South, Mabank, TX. 75156

Printed Todd Pearah Phone 214-989-6767 (office) Date _____

7501 N. LAMAR

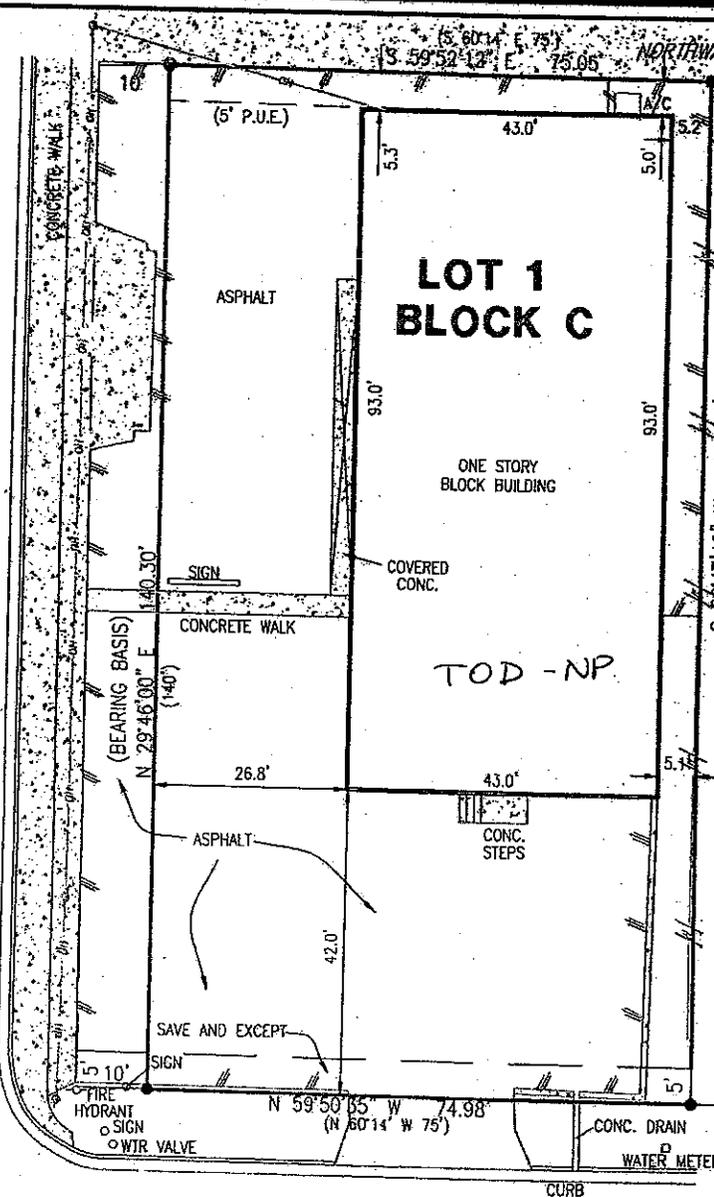


Legend

-  Lot Lines
-  Streets
-  Building Footprints
-  Named Creeks
-  Lakes and Rivers
-  Parks
-  County
-  Lot ID
-  Block ID
-  Lot Line
-  Zoning Text
-  Zoning (Large Map Scale)

THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

LAMAR BOULEVARD
(R.O.W. VARIES)



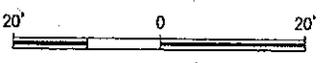
- LEGEND**
- 1/2" REBAR FOUND
 - 1/2" CAPPED REBAR SET
 - 1/2" IRON PIPE FOUND
 - 60P HUB FOUND
 - CAPPED REBAR FOUND
 - 7" SET IN CONCRETE
 - 7" FOUND IN CONCRETE
 - SPWALE FOUND
 - CURB LINE FREE
 - WOOD FENCE
 - METAL FENCE
 - B.L. BUILDING LINE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - () PER PLAT
 - C.M. CONTROL MONUMENT
 - R.O.W. RIGHT OF WAY
 - P.O.B. PLACE OF BEGINNING
 - OH OVERHEAD ELECTRIC
 - ⚡ POWER POLE

*LEGAL DESCRIPTION PER WARRANTY DEED AS RECORDED IN VOLUME 12176, PAGE 1164, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS:

THAT REAL PROPERTY LOCATED KNOWN AS EITHER 7501 NORTH LAMAR AND AS 712 WEST CRESTLAND DRIVE, AUSTIN, TRAVIS COUNTY, TEXAS LEGALLY DESCRIBED AS LOT ONE (1), BLOCK "C", NORTHWAY CREST SECTION NO. 2, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 6, PAGE 26, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; TOGETHER WITH THE ADJACENT PLANTING STRIP, 10' x 140', ACCORDING TO SAID PLAT, SAVE AND EXCEPT THE SOUTH (5') FEET OF SAID LOT ONE (1), CONVEYED TO THE CITY OF AUSTIN FOR STREET PURPOSES BY DEED DATED JANUARY 19, 1979, RECORDED IN VOLUME 8454, PAGE 1790, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

LOT 2
SF-3-NP

WEST CRESTLAND DRIVE
PLATTED AS CRESTLAND DRIVE
(50' R.O.W.)



[Signature]
TO THE OWNER AND / OR PRESENT OWNERS OF THE PREMISES SURVEYED



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0455H, DATED 08/26/08. IT IS REPRESENTED AS IN ZONE "X". HOWEVER, AT THE PRESENT TIME, NO ELEVATIONS, DRAINAGE, OR FLOOD STUDIES HAVE BEEN PERFORMED BY THIS FIRM AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED ON SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAN ADMINISTRATOR.

IMPORTANT NOTICE
This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING, INC.

STREET ADDRESS: **7501 & 7503 NORTH LAMAR (SEE LEGAL)** CITY: **AUSTIN** COUNTY: **TRAVIS** STATE OF TEXAS
 LOT: **1*** BLOCK: **E** SUBDIVISION: **NORTHWAY CREST SECTION TWO (2)** VOL. **6** PAGE **36** PLAT RECORDS
 REFERENCE NAME: **STAN CASKEY**



B & G SURVEYING, INC.
DEWEY H. BURRIS & ASSOCIATES, INC.
Surveyed by: **B&G Surveying, Inc.**
FIRM REGISTRATION NO. 100363-00

JOB #: **R1009513_TA**
DATE: **11/4/13**
SCALE: **1" = 20'**

FIELD WORK BY	JD	11/1/13
CALCD BY	VG	11/1/13
DRAFTED BY	KRS	11/4/13
CHECKED BY	VG	11/1/13

WWW.BANDGSURVEYING.COM
1404 West North Loop Blvd. Austin, Texas 78756
Office 512*458-6969, Fax 512*458-9845

ORDINANCE NO. 20120426-139

AN ORDINANCE AMENDING CITY CODE SECTIONS 25-2-4 AND 25-2-491 AND ADDING A NEW SECTION 25-2-816 RELATING TO REQUIREMENTS FOR ALTERNATIVE FINANCIAL SERVICES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection 25-2-4(B)(29) (*Commercial Uses Described*) of the City Code is amended to read:

- (29) **FINANCIAL SERVICES** use is the use of a site for the provision of financial and banking services. This use includes banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services. This use excludes alternative financial services businesses uses as defined in this section.

PART 2. Section 25-2-4 (*Commercial Uses Described*) of the City Code is amended to add a new commercial use, Alternative Financial Services Businesses, to read as follows and added as Subsection 25-2-4(B)(3) with all subsequent commercial uses renumbered accordingly:

- (3) **ALTERNATIVE FINANCIAL SERVICES BUSINESSES** use is the use of a site for a check cashing business, payday advance or loan business, money transfer business, motor vehicle title loan business, or a credit access business as defined in this section.
- (a) This use excludes:
- (1) a state or federally chartered bank, savings and loan association or credit union, or a pawnshop, and
 - (2) a convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least 75% of the total gross revenue generated on site.
- (b) A check cashing business is an establishment that provides one or more of the following:
- (1) an amount of money that is equal to the face of a check or the amount specified in a written authorization for an electronic transfer of money, less any fee charged for the transaction;

- (2) an agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
 - (3) the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any other person or entity for a fee.
- (c) A payday advance or loan business is an establishment that makes small consumer loans of \$2,500 or less, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term or until a customer's next payday and then cashed unless the customer repays the loan to reclaim the check or debit. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.
- (d) A motor title loan business is an establishment that makes small consumer loans of \$2,500 or less that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the vehicle.
- (e) A credit access business has the same meaning as defined in Section 393.601 of the Texas Finance Code.

PART 3. Chapter 25-2 (*Zoning*) of the City Code is amended to add a new Section 25-2-816 to read:

§ 25-2-816 ALTERNATIVE FINANCIAL SERVICES BUSINESSES.

- (A) This section applies to an alternative financial services business use.
- (B) A use may not be located on a site that is:
- (1) within 1,000 feet of a site that contains another alternative financial services business use;
 - (2) within 200 feet of a property in a base, combining or overlay district in which a residential use is allowed or in which a residential use is located;
 - (3) within 500 feet of the rights-of-way of Interstate Highway 35, U.S. Highway 183, U.S. Highway 290, Texas State Highway Loop 360,

Texas State Highway Loop 1, Texas State Highway 130, or Texas State Highway 45; or

(4) within the waterfront overlay district, the university neighborhood overlay district, or the area bounded by Interstate Highway 35, Airport Boulevard, and Town Lake.

(C) A use may be located only within a freestanding structure and may not be co-located in the same structure with other uses.

PART 4. The table in Subsection (C) of Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) of the City Code is amended to add the alternative financial services businesses use and to indicate that the alternative financial services businesses use is permitted in the community commercial (GR) and general commercial services (CS) zoning districts, subject to Section 25-2-816 (*Alternative Financial Services Businesses*) of the City Code, and conditional in the neighborhood commercial (LR) and downtown mixed use (DMU) zoning districts, subject to Section 25-2-816 (*Alternative Financial Services Businesses*) of the City Code.

PART 5. This ordinance takes effect on May 7, 2012.

PASSED AND APPROVED

_____ April 26 _____, 2012 §
 §
 §

 Lee Ieffingwell
 Mayor

APPROVED: _____
 Karen M. Kennard
 City Attorney

ATTEST: _____
 Shirley A. Gentry
 City Clerk



JACKSON WALKER L.L.P.

125 YEARS
ATTORNEYS & COUNSELORS

Katherine P. Loayza
(512) 236-2259 (Direct Dial)
(512) 236-2002 (Fax)
kloayza@jw.com

April 30, 2013

Via Hand Delivery

Mr. Leon Barba
Building Official
Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

Re: 7501 N. Lamar Blvd. – Certificate of Occupancy (CO) for a non-conforming Alternative Financial Services use known as Texas Title Loans

Dear Leon:

We represent Texas Loan Brokers I, LLC d/b/a/ Texas Title Loans regarding the registration of the Credit Access Business (CAB) located at 7501 N. Lamar Blvd. with the Office of Telecommunications and Regulatory Affairs. The CAB registration was filed on January 31, 2013 and was subsequently denied on April 5, 2013 according to Martha Hernandez, Regulatory Monitor. The denial was based upon a determination by the Planning and Development Department that the “certificate of occupancy does not meet the requirements for the certificate of occupancy”.

We are appealing the denial of the CAB registration based upon the fact that the use which has been operating at this location since October 2007 does have a valid Certificate of Occupancy and is a legal non-conforming alternative financial services use. The pertinent history is as follows:

(1) The building which has been the business location for Texas Title Loans since October 2007 was constructed in 1979. The building permit was submitted on July 5, 1979 (Permit # 183447) for two commercial lease spaces addressed as 7501 and 7503 N. Lamar. A Certificate of Occupancy was issued on October 9, 1979 for the permit indicating that the occupancy was “Lease Space Retail” (See Exhibit A).

(2) At the time the permit was issued the property was zoned “GR” and “A,” 1st Height and Area District, with the building permit noting that the “east 5’ of the lot zoned A 1st - no paving, no parking” and indicating that the building was not located on the residentially zoned portion of the lot. The property was rezoned in 2008 to “GR-MU-CO-NP” in connection with the Lamar Blvd/Justin Lane Station Area Plan TOD.

(3) The Zoning Ordinance in effect at the time of the building permit issuance was Chapter 45 of the City Code. There were two updates to Chapter 45 between 1978 and 1980. Both versions of the Zoning Ordinance regarding "GR" General Retail Districts (Section 45-22) and "LR" Local Retail Districts (Sec. 45-21) are identical. "GR" zoning allowed any uses permitted in "LR" and a range of other retail uses. "LR" uses included financial services such as banks, offices, and other local retail uses. (See Exhibit B)

(4) In October 2007, Texas Title Loans entered into a lease to occupy the space at 7501 N. Lamar for its Credit Access Business which makes short-term car title loans and payday loans. On December 12, 2007 the Watershed Protection and Development Review Department staff re-issued a new CO for this location under the original building permit #183447 to H.M. Caskey, the owner of the property. This action was taken by the owner to ensure that the tenant could lawfully occupy the space.

(5) The CO reissued by the City in 2007 referenced the same building occupancy as the original 1979 CO, or "lease space retail." The specific use stated in the re-issued CO is: "1 story concrete (T.L.T. Wall) steel comm. Retail sales bldg." Since the use of the property did not trigger a Building Code use and occupancy group change, the description of the use of the property remained the same in the re-issued CO. (See Exhibit C)

The correct conclusion is that the re-issued CO is valid for the continued use of 7501 N. Lamar by Texas Title Loans because it is based upon the original building permit which is still recognized by the City. The fact that the CO does not specifically mention financial services or another office use is irrelevant in this case because the CO dates back to the ordinances in effect at the time of the original permit, as is stated on the re-issued CO. The denial of the CAB registration on the grounds that the "certificate of occupancy does not meet the requirements for the certificate of occupancy" is wholly without merit.

The amount of information which has been put on a CO has varied over the years, as has the reference to the use or occupancy. Technically, a CO is supposed to indicate the Building Code use and occupancy group classification. However, it appears that staff is now looking for a zoning use description to be reflected on COs, in addition to the use and occupancy group pursuant to the Building Code requirements. The fact that the CO in question does not specifically reference the exact zoning use of the property as staff desires, does not make it an invalid CO.

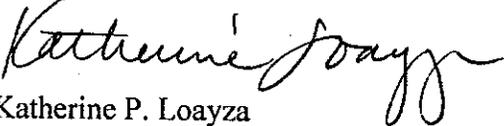
In summary, to deny the Texas Title Loans CAB despite the CO dated December 12, 2007, which was specifically re-issued at that time to confirm the legality of the use when the present tenant moved in, is in essence ignoring the validity of the original building permit which still applies to this building and the permitted "GR" use of the site which is still operating at this location.

Mr. Leon Barba
April 30, 2013
Page 3

For these reasons, we respectfully request your acknowledgement that the re-issued 2007 CO for 7501 N. Lamar is a valid and lawful CO in order that the CAB registration can be approved and, if necessary, that you correct the CO to clarify the use in order to alleviate any future issues regarding the current non-conforming alternative financial use of the property.

We appreciate your prompt attention to this request as there also is a pending Code Compliance action regarding the zoning and the CO for the use. Please let me know if any additional information or explanation would be helpful.

Sincerely,



Katherine P. Loayza

Attachments

cc: Jim Nias, firm

EXHIBIT A

Address: 7501 No. Lamar | Permit: 183447 | Plat: 313

Lot: 17503 | Block C | Subdivision: NORTHWAY CREST SEC. 2
 Outlot -

Fire Zone: 3 | Use Dist. GR & A 1st | Occupancy: 1) LEASE SPACE 2) RETAIL LACQUER
~~LA 47-2234-160# LA 85' X 140'~~

7-5-79 ^{Key} Layout		Framing		10-9-79	Final	Commercial	
Foundation	5	Floor joist size & o.c.	STEEL NON- 501# CONC TILT WALL	Bldg. Conn.		Parking	21
Front setback	36'	ceiling joist size & o.c.		Room Vent.	✓	Exits	★
Total & Min. side yard	47	stud size & o.c.		Stairs		Exit lights	★
Side St. Yard	42	W. Insulation	RAILS	✓	Fences	✓	
Type Const.	II	Sheetrock	Attic Vent.		Corridors		
Spec. Permit #		Commercial Sheetrock	Insulation				
BOA		Occup. Sep. 1 hr	Hood Vent.				
		Thru out	Glass				
			Deadbolts				
			Fireplaces				
						7501-1599 #	
						LESS RAIL	
						1-EXIT	CLOSED

Owner: MR. H M CASKEY | Contractor: RAYMOND C. TURBS.

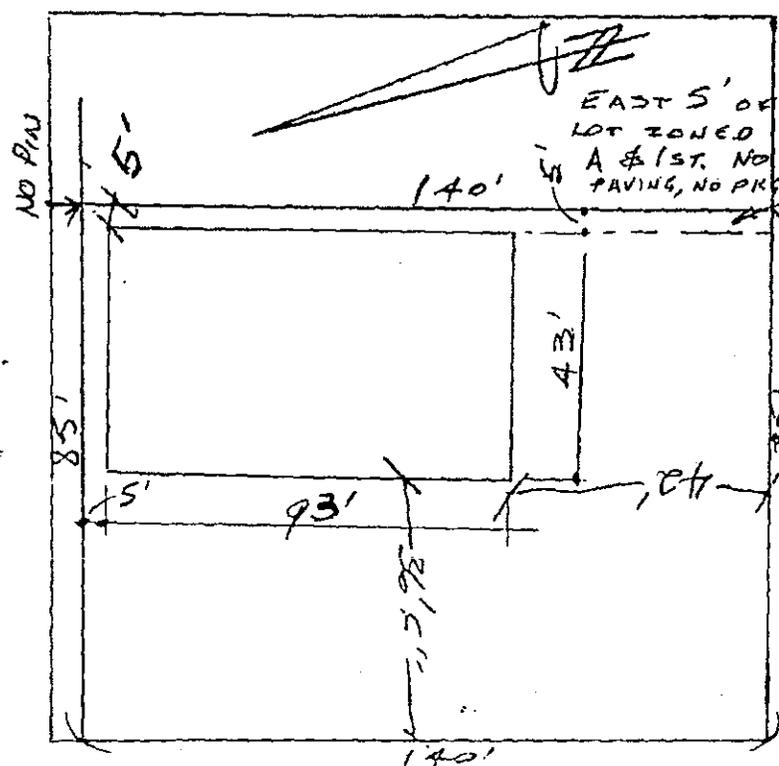
7503-1400# SALES AREA & STORAGE
 1-EXIT

BID 2005 JUNE 77



Clerk RARR. | Date 7-2-79

Address: 7501 No. Lamar



193
 279
 372
 3999
 2000

1 STORY CONCRETE (TILT WALL) & STEEL RETAIL SHOP BLDG.

Inspector:

Lot 1

Block C

Subdv. Northway Crest
Sec. 2

Certificate of Occupancy
No. 91495

DEPARTMENT OF BUILDING INSPECTION
City of Austin, Texas

Permit # 183447

Zoning GR & A & 1st.

Plat 313

THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED BELOW HAS BEEN INSPECTED AND THE FOLLOWING OCCUPANCY THEREOF IS HEREBY AUTHORIZED.

Address 7501 N. Lamar

Use 1 stry conc tilt wall & steel comm bldg Retail Sales Bldg.

Owner of Land Mr. H.M. Caskey

Owner of Improvements _____ Address _____

Contractor Raymond Tubbs Address P.O. Box 14140

Plumber A. Parks No. of Gas Meters 1

Remarks _____

Date 10-9-79 By JJ

BUILDING OFFICIAL

BID #2008

OFFICE COPY

SEE REVERSE SIDE

OWNER	Mr. H.M. Caskey	ADDRESS	7501 Lamar (N)	
PLAT	313	LOT	1	BLK C
SUBDIVISION	Northway Crest sec 2			
OCCUPANCY	Lease Space retail R&A			
BLDG. PERMIT #	183447	DATE	7-2-79	OWNERS ESTIMATE 68,000.00
CONTRACTOR	Raymond C. Tubbs		NO. OF FIXTURES	
WATER TAP REC#	G04424	SEWER TAP REC#	89074	
1 story concrete (T.L.T wall) steel comm & retail				
sales bldg.				

BID 2004

EXHIBIT B

Sec. 45-21. "LR" LOCAL RETAIL DISTRICTS.

In an "LR" local retail district no building or land shall be used and no building shall be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the uses enumerated in this section. The "LR" local retail district is designed for retail businesses of a local character, and wholesale establishments are not to be located within this district. Permitted uses are enumerated as follows:

- (a) Any use permitted in an "O" office district.
- (b) A bakery.
- (c) Banks, offices, wholesale sales offices and sample rooms.
- (d) Barbershops, beauty shops, and any other personal service shops.
- (e) Cafes, cafeterias, and restaurants in a building.
- (f) Camera shops and photographic supplies.
- (g) Cleaning and pressing shops.
- (h) Drugstores, soda fountains, soft drink stands, and candy and tobacco shops.
- (i) Gasoline service stations when a permit has been secured from the city council. (3-19-59.)
- (j) Grocery stores or grocery stores including the sale of beer and wine, as defined by state law, in unopened containers for off-premises consumption. (11-3-66.)
- (k) Ice vending stations.
- (l) Jewelry and optical goods.
- (m) Meat markets.
- (n) Nurseries and greenhouses.
- (o) Pickup stations for receiving and delivering of articles to be dyed or laundered, but no actual work shall be done on the premises.
- (p) Shoe repair shops.
- (q) Variety stores.
- (r) Washaterias or self-service laundries equipped with automatic washing machines, dryers and ironers of the type customarily found in a home, and where the customer may personally supervise the handling of his laundry.
- (s) Wearing apparel shops.
- (t) Signs, as provided in section 45-31.
- (u) Any other local retail use supplying the everyday shopping needs of the immediate neighborhood and subject to the following conditions:
 - (1) That it be conducted wholly within an enclosed building.
 - (2) That required yards be not used for display, sale or storage of merchandise, or for the storage of vehicles, equipment, containers or waste material.
 - (3) That all merchandise be first hand and be sold at retail on the premises.
 - (4) That there be no manufacturing or processing on the premises.
 - (5) That such use be not objectionable because of odor, excessive light, smoke, dust, noise, vibration, presence of vermin or rodents, or similar nuisances.
- (v) Uses by special permit only, which shall include the following:
 - (1) Trailer courts when in compliance with chapter 33. (3-19-59.)

- (2) Uses permitted in the "GR" general retail district without a special permit, when located adjoining or across a public street or alley from a "GR" general retail or less restricted district.
- (3) Veterinary hospital or clinic with hospital, clinic, surgical, and commercial dog kennel facilities, provided that: (781207-E)
- a. All facilities including commercial dog kennels and runs are located within the building; and (781207-E),
 - b. The facility uses year-round central air systems; and,
 - c. The hospital or clinic is limited to the treatment of non-farm animals; and,
 - d. The facility does not produce a noise level in excess of 50 dB(A) at any property line (the "A" scale shall be used for reference), and no building or any part thereof is located closer than twenty-five feet to any property line abutting a "B" Residence or more restrictive use district. (731115-B.)
- (4) A public stable or riding academy when located on a site of not less than ten acres.
- (5) A drive-in theater located on a site of not less than ten acres and in compliance with sections 4-10 to 4-27. (3-19-59.)
- (6) Motels when in compliance with chapter 33. (3-19-59.)
- (7) An apartment dwelling group, in accordance with the provisions concerning apartment dwelling groups in section 45-19. (1-7-60.) (7-17-41; 3-19-59; 1-7-60; 661103-B.)
- (8) Town houses, in accordance with the provisions concerning town houses in section 45-18 (g) (8). (731115-A.)
- (9) Those uses permitted in an "O" office district by special permit under the same conditions as imposed in "O" office districts. (771006-L).

Sec. 45-22. "GR" GENERAL RETAIL DISTRICTS.

In a "GR" general retail district no building or land shall be used and no building shall be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the uses enumerated in this section. The "GR" general retail district is designed for retail businesses of general character, and wholesale establishments are not to be located in this district. Permitted uses are enumerated as follows:

- (1) Any use permitted in the "LR" local retail district.
- (2) Ambulance services.
- (3) Aquarium, bird, and pet shops.
- (4) An auto laundry, without boiler, heating, and steam cleaning facilities, in which all washing operations are carried on within a building.
- (5) An auto repair garage, where all work is conducted inside a building not including the open storage of vans, trailers, or trucks.
- (6) Auto seat covers and covering.
- (7) Cafes, cafeterias, and restaurants, with or without drive-in facilities, including the sale, dispensing and otherwise handling of alcoholic beverages, distilled spirits, liquors, wines, vinous liquors, ales, malt liquors, beer, and mixed beverages as those terms are defined in the Texas Liquor Control Act; Articles 666-667, Vernon's Texas Penal Code, direct to the consumer, for consumption on the premises, but not for resale; provided, that the sale of the above beverages is incidental and secondary to the sale of food and similar commodities for human consumption, and that such sale conforms to all the regulations of the state Liquor Control Act with reference to licenses and permits, time and manner of sale; and that the land or building is used at such location as a restaurant or cafe as defined in section 45-1; and that where food or refreshments are served on the premises, outside of the building and within fifty feet of a property line abutting an "O" office or more restricted district, a solid fence, dense hedge or other opaque barrier, not less than six feet high to within ten feet of a street line, is placed on the property lines where the property lines abut or adjoin such "O" office or more restricted district, or any land improved and used for residential purposes; and that where facilities are provided for any loudspeaker or other sound device to broadcast or play on the outside of the building any speech, songs, or instrumental music, the sound level at or beyond the property line shall not exceed fifty decibels. No food or drink may be served to vehicles parked on the public street. (11-3-66; 710610-A.)
- (8) Catering and wedding services.
- (9) Commercial billboards or advertising signs.
- (10) Craft and hobby shops, fix-it shops, bicycle repairs, saw filing, lawn mower sharpening; but without an outside garage.
- (11) Curtain cleaning shops.
- (12) Department stores; sporting goods, novelty, or toy shops.
- (13) Dyeing plants.
- (14) Electrical goods:
 - (a) Electronic wholesale distributors subject to the following limitations:

1. The distributor's place of business shall have no more than ten thousand square feet of floor area.

2. Sales by such distributor of household merchandise (as opposed to industrial merchandise) shall constitute at least eighty per cent of the business of such establishment. (6-11-64.)

- (15) Electrical repairing (domestic equipment and autos).
- (16) Exterminating companies.
- (17) Film developing and printing.
- (18) Furniture repairs and upholstering, with all storage and display within a building.
- (19) Frozen food lockers.
- (20) Hardware, paints, wall paper.
- (21) Household and office furniture, furnishings and appliances.
- (22) Repealed by Ordinance No. 740919-A.
- (23) Motels.
- (24) Motion picture theaters.
- (25) Office buildings.
- (26) Piano and musical instruments.
- (27) Commercial parking garages or any other automobile facility for parking of passenger cars and trucks of less than one-ton capacity only, where the rental of space is on an hourly, daily, weekly, or monthly basis.
- (28) Plumbing shops without warehouse facilities (to include store for ordinary repairs but not storage of materials for contracting work).
- (29) Rug cleaning shops, chemical type, where all cleaning operations are carried on within a building, where rugs are laid flat, the chemicals mixed with water and applied with a brush, and removed by vacuum cleaning, entirely without the generation of dust.
- (30) Seed stores.
- (31) Taxi dispatch offices.
- (32) Sale of new or used passenger cars and trucks of less than one-ton capacity. Vehicles shall be in operating condition and open display or storage areas shall be surfaced in accordance with the requirement for off-street parking spaces. Separate parts, motors, or other portions of vehicles shall be firsthand and sold at retail and shall be displayed or stored within an enclosed building. (3-19-59.)
- (33) Sale of new or used boats. Boats shall be in operating condition and open display or storage areas shall be surfaced in accordance with requirements for off-street parking spaces. Separate parts, motors, or portions of boats shall be firsthand and sold at retail and shall be displayed or stored within an enclosed building. (3-19-59.)
- (34) Accessory buildings and uses customarily incident to the uses enumerated in this section. No accessory use shall be construed to permit the keeping of articles or materials in the open or on the outside of the building.
- (35) Signs as provided in section 45-31.
- (36) Any other retail use, subject to the following conditions:
 - (a) That it is conducted wholly within an enclosed building.
 - (b) That required yards shall not be used for display, sale, or storage of vehicles, equipment, containers, or waste material.

(c) That all merchandise is firsthand and sold at retail on the premises. (10-4-56.)

(d) That there is no manufacturing or processing; except, that which is incidental and essential to an enterprise in which all merchandise is sold at retail on the premises.

(e) That such use is not objectionable because of odor, excessive light, smoke, dust, noise, vibration, presence of vermin or rodents, or similar nuisances.

(37) Skating rinks or bowling alleys, when air conditioned and designed to reduce external noise to a minimum at the property line.

(38) Trampoline centers. (7-14-60.)

(39) Uses by special permit only, which shall include the following:

(a) Uses permitted in the "C" commercial district without a special permit, and when located adjoining or across a public street or alley from a "C" commercial or less restricted district.

(b) A veterinary hospital or clinic in accordance with the provisions of section 45-21 (v) (3). (731115-B.)

(c) A public stable or riding academy when located on a site of not less than five acres.

(d) Drive-in theaters when located on a site of not less than ten acres and in compliance with sections 4-10 to 4-27. (3-19-59.)

(e) Trailer courts when in compliance with chapter 33. (3-19-59.)

(f) An apartment dwelling group in accordance with the provisions concerning apartment dwelling groups in section 45-19. (1-7-60.) (7-17-41; 10-4-56; 3-19-59; 1-7-60; 6-11-64; 661103-B.)

(g) Town houses, in accordance with the provisions concerning town houses in section 45-18 (g) (8). (731115-A.)

(h) Those uses permitted in an "LR" local retail district by special permit under the same conditions as are imposed in "LR" local retail districts. (771006-L).

Sec. 45-22.1. "AV" Airport District

In an "AV" airport district, no building or land shall be used and no building shall be erected or structurally altered unless otherwise provided in this chapter, except for one or more of the following uses:

(1) Any use directly associated with the operation, service, fueling, repair, storage, charter, sales and rental of aircraft, and/or associated equipment.

(2) Assembly and sale of aircraft, air frames, aircraft engines, aircraft parts and associated components such as radios and navigational equipment.

(3) Airport customer service uses including, but not limited to, auto service stations, restaurants, bookstores, lounges, newsstands, dry cleaning, barbershops, secretarial services, drug stores, flower shops, gift shops, motels and hotels, and other uses and services of similar nature. (790419-1)

Sec. 45-12. FILING OF PLATS PREREQUISITE TO ISSUANCE OF BUILDING PERMITS.

All applications for building permits from the city shall be accompanied by a plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the location and size of the proposed building, the location of proposed accessory buildings, all in relation to lot lines, and such other information as may be necessary to provide for the enforcement of this chapter. A complete and accurate record of such applications and plats shall be kept in the office of the building inspector. (7-17-41.)

Sec. 45-13. CERTIFICATES OF OCCUPANCY AND COMPLIANCE.

(a) No existing building, and no building erected or structurally altered, shall be occupied, used or changed in use until a certificate of occupancy and compliance shall have been issued by the building inspector, stating that the building and proposed use of building or land complies with all provisions of this Code and all other applicable building and health laws and ordinances and with the provisions of this Code and all other ordinances relating to electrical and plumbing installation and with the provisions of this chapter. Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within five days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of this chapter and the other laws and ordinances referred to in this section. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished on request to persons having a proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate, but for copies of any original certificate there shall be a charge of fifty cents each.

(b) The use of a building already erected on July 17, 1941, shall not be changed from one class of use to another, unless and until a certificate of occupancy and compliance with the provisions of this chapter has been obtained from the building inspector.

(c) No yard, court, or other open spaces provided about any building for the purpose of complying with the provisions of this chapter shall again be used as a yard, court, or open spaces for another building.

(d) Before the issuance of a certificate of occupancy and permit to engage in the sale of beer or wine in connection with a restaurant or cafe by the building official, to whom the applicant has been certified as having complied with all ordinances of the city applicable to the sale of beer and wine, the applicant shall file with the city clerk a certificate from the city health officer showing that he has complied with all sanitary and health laws, ordinances and regulations of the state and the city. (7-17-41; 661103-B.)

EXHIBIT C



12/12/2007

**REISSUED
CERTIFICATE OF OCCUPANCY**

**WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT
CITY OF AUSTIN, TEXAS**

BUILDING PERMIT NO. 183447

ORIGINAL DATE: 07/02/1979

LEGAL DESCRIPTION AS ON ORIGINAL DOCUMENT: Northway Crest Sec. 2

ZONING: Plat 313 Lot 1 Blk. C

THIS IS TO CERTIFY THAT, THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED BELOW WAS INSPECTED AT THE TIME OF THE ORIGINAL DATE FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR USE LISTED BELOW.

ADDRESS: 7501 North Lamar Blvd.

USE: 1 story concrete (T.L.T. Wall) steel comm. Retail sales bldg.

OWNER: H.M. Caskey

REMARKS: Lease space retail



Leon Barba, Building Official

BY: L.B.

PLEASE NOTICE

'NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION, OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISES, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISES.

THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION, OR REINSPECTION, OF THE PREMISES; OR THE ISSUANCE OF THIS "CERTIFICATE OF OCCUPANCY"; OR BY REASON OF ANY APPROVAL OR DISAPPROVAL.'

TX TITLE LOANS & PAYDAY LOANS

12/02/2013

City of Austin

Planning and Development Review Department

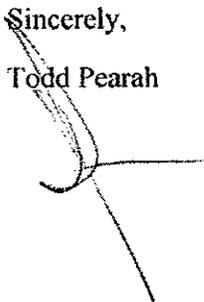
To Whom it May Concern:

Re: Letter of authorization for 7501 N. Lamar B.O.A. variance requests

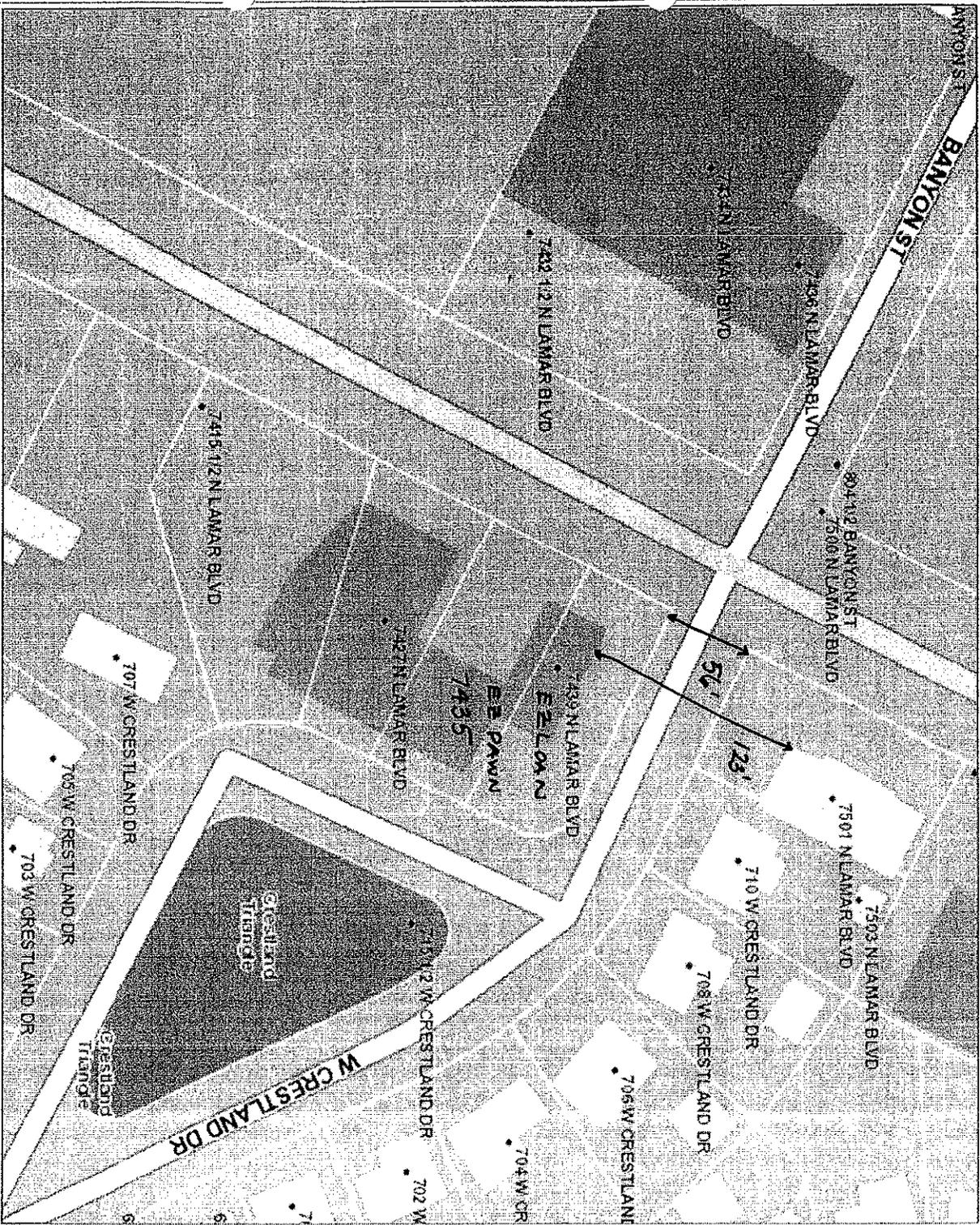
I hereby authorize Katherine Loayza and Jim Nias of Jackson Walker L.L.P. to submit an application to the Board of Adjustment on behalf of Texas Loan Brokers I, LLC d/b/a Texas Title Loans for the requested B.O.A. variances on my behalf, and to handle all matters related to said application.

Sincerely,

Todd Pearah



EZ LOAN/EZ PAWN



Legend

- Lot Lines
- Streets
- Building Footprints
- Named Creeks
- Lakes and Rivers
- Parks
- County
- Address Points

THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

City of Austin, Texas



CREDIT ACCESS BUSINESS

REGISTRATION # A20130091116A

Issued to the following location:

TEXAS EZPAWN LP
7435 N LAMAR BLVD
AUSTIN, TX 78752

EXPIRATION DATE: 8/19/2014

This certificate must be renewed annually

*Issued in accordance with provisions of Chapter 4-12 of the Code of the City of Austin.
The Office of Telecommunications & Regulatory Affairs must be notified of all material change within 45 days of the change.*

Rondella M. Hawkins

Rondella Hawkins, Director

THIS CERTIFICATE MUST BE PROMINENTLY POSTED

Address: 7435 N. LAMAR | Permit: 172455 | Plat: 313
 Lot: 2 | Block D | Subdivision: NORTHWAY CREST SUBDIVISION
 Fire Zone: 3 | Use Dist. G-1 | Occupancy: RETAIL STORE

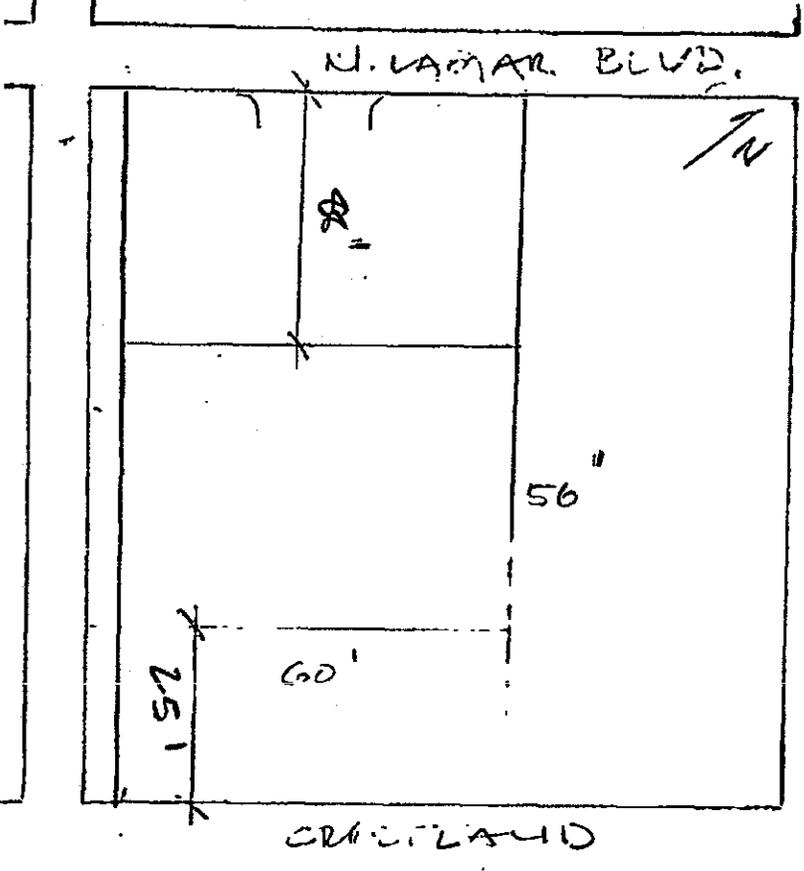
5-25-78 Layout		7-27-78 Framing		9-13-78 Final		Commercial	
Foundation	8	Floor joist size & o.c.	/	Bldg. Conn.		Parking	18
Front setback	88	ceiling joist size & o.c.	/	Room Vent.		Exits	
Total & Min. side yard	0 / 10	stud size & o.c.	2x4 / 2x6 16	Stairs		Exit lights	
St. Yard REAR	25'	W. Insulation		Rails		Fences	
Type Const.	III	Sheetrock		Attic Vent.		Corridors	
Spec. Permit #		Commercial Sheetrock		Insulation			
BOA		Occup. Sep. Thru out	1 1/2 - 5	Hood Vent.			
				Glass			
				Deadbolts			
				Fireplaces			
				DNE ROOM			

Owner: PETER W. JASIU | Contractor: SUPERIOR CONSTRUCTORS
 NO EXIT ON EAST 10' ON CROSSLAND - 56x60-3360 #

BID 2005 JUNE 77



Clerk PST | Date 4/24/78



Address: N. LAMAR BLVD.

Inspector:

OWNER Peter W. Jasin **ADDRESS** 7435 North Lamar Blvd.
PLAT 313 **LOT** 2 **BLK** D
SUBDIVISION North Way Crest
OCCUPANCY Retail Store
BLDG. PERMIT # 172455 **DATE** 4-25-78 **OWNERS ESTIMATE** 48,000
CONTRACTOR Superior Con Structors **NO. OF FIXTURES** s/p
WATER TAP REC# B 98671 **SEWER TAP REC#** 84406
One story steel fram comm bldg.

BID 2004



City of Austin

CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO. 1984-016096 BP

ISSUE DATE: 01/08/1985

BUILDING ADDRESS: 7435 Lamar Boulevard North A 00000
LEGAL DESCRIPTION: Northway Crest Wallace Sur Block: Lot: L11 Bl D 2 & 10x60ft Jp Northway Crest Wallace Sur Lt1 Bl D 2 & 10x60ft Jp

PROPOSED OCCUPANCY:
C-1000 Commercial Remodel
Remodel - Repair Comm Bldg To Min Stds 120 Days

BUILDING GROUP / DIVISION: B-2

REMODEL BUILDING SQUARE FOOTAGE: 0

SPRINKLER SYSTEM:

CODE YEAR:

CODE TYPE:

FIXED OCCUPANCY: 0

NON FIXED OCCUPANCY:

CONTRACTOR:

***** **CERTIFICATE OF OCCUPANCY** *****
THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED ABOVE HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR THE GROUP AND DIVISION OF OCCUPANCY LISTED ABOVE.

NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISE, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISE.

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BUILDING CODE REVIEWER:



For Leon Barba, Building Official

**Office of
Consumer
Credit
Commissioner**

Consumer Helpline: (800) 538-1579



En Español

Search Results

- Searches
- Who We Are
- News Releases & Publications
- Consumer Resources
- Services & Presentations
- Legal
- Statutes & Rules
- Interest Rates
- Licensing / Filing
- Links
- Employment
- Contact Us
- Home

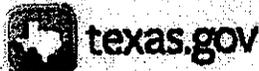
Master Licensee: TEXAS EZPAWN LP
DBA Operating Name: EZMONEY LOAN SERVICES

License - Number: 61995
Type: Credit Access Business
Date: 3/30/2012
Status: Active

Location - Address: 7435 N LAMAR BLVD
City: AUSTIN State: TX Zip: 78752
Renewed Date: 2013

[Return to Listing Page](#)

[State of Texas / TRAIL \(Texas Records and Information Locator\)](#)
[Texas Finance Commission / Department of Information Resources](#)
[Sunset Advisory Commission / Privacy Policy](#)
[Open Records Requests](#)



101061 10173



City of Austin
Telecommunications & Regulatory Affairs Office
P.O. Box 1088
Austin, Texas 78767

CREDIT ACCESS BUSINESS RENEWAL APPLICATION

V-906070

COA Registration Number: _____

Date of Filing: July 10, 2013 State CAB License Number: 71-61996

PLEASE PRINT (Do not use abbreviations, and do not use initials or first names for last names.)

TEXAS EZPAWN, L.P.

Business Entity Name

Federal Employment Identification Number (FEIN)

EZMONEY Loan Services

Operating Name of Business (d/b/a)

Location Address: 7435 Lamar Blvd Austin

TX

78752

Number & Street Name

City

State

Zip code

Mailing Address: 1901 Capital Prwy Austin

TX

78746

Number & Street Name

City

State

Zip code

Location phone number: (512) 453-3789

Location fax number: (512) 302-4397

Website: www.ezcorp.com

PLEASE PRINT (Do not use abbreviations, and do not use initials or first names for last names.)

Contact person for this application

Laura Jones, Legal Assistant (512) 314-3465 (512) 314-3463

Name and Title

Business Phone

Fax Number

Home Address

Person Responsible for Day-to-Day Operations

Keshia Dickens Area mgr.

(254) 702-3214

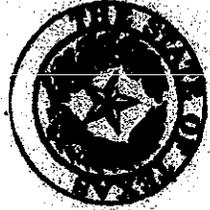
N/A

Name and Title

Business Phone

Fax Number

Email Address



STATE OF TEXAS

Credit Access Business License

License Number: 771-61995

Active

Office of

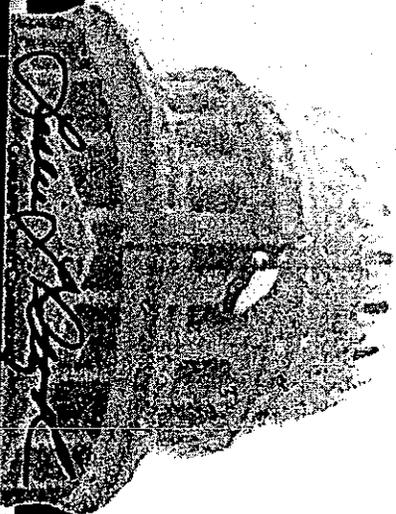
Consumer

Credit

Commissioner

TEXAS EZPAWN LP
EZMONEY LOAN SERVICES
7435 NEAMAR BLVD
AUSTIN, TX 78752

2601 N Lamar Blvd
Austin, TX 78705
www.ooca.state.tx.us
(512)936-7600
Consumer Helpline:
(800) 538-1679



Address Change 05/16/2012

49326

171691

Owners: Proprietors, Partners, Members or Stockholders having any financial interest. Information from each owner is required. Please attach pages if additional space is required.

1) Name: EZPAWN Holdings, Inc Financial Interest: 99%
Street Address: 1901 Capital Pkwy Austin TX 78746
Number & Street City State Zip code
Mailing Address: Same
Number & Street City State Zip code
Telephone: (512) 314-3465 Email: _____

2) Name: Texas EZPAWN Management, Inc. Financial Interest: 1%
Street Address: 1901 Capital Pkwy Austin TX 78746
Number & Street City State Zip code
Mailing Address: Same
Number & Street City State Zip code
Telephone: (512) 314-3465 Email: _____

Publicly Traded Company: Registered Agent (individual to whom any legal notice may be delivered)

CT Corporation System
Agent Name
Agent Address: 350 N. St. Paul St. Dallas TX 75201
Number & Street Name City State Zip code
Agent Phone Number: (800) 759-8547 Agent Fax Number: N/A

Attachments Required

Current/renewal license issued under Chapter 393 of Texas Finance Code

This is an application to secure a Certificate of Registration to operate a credit access ("payday lending") business, as per Austin City Code, Chapter 4-12. Registration with the City of Austin is a requirement of credit access business and each location operated as a credit access business must be registered. The undersigned affirms that all information provided in this application for registration, including but not limited to, disclosure of owners, principal parties, and all other supporting documents, schedules and exhibits are true, complete and free from any material omission(s). The undersigned understands that the information provided may be further verified. The undersigned further understands that FALSE OR MATERIALLY INCOMPLETE RESPONSES ARE GROUNDS FOR DENIAL OF THE APPLICATION TO REGISTER AS A CREDIT ACCESS BUSINESS WITH THE CITY OF AUSTIN.

Signature _____

Assistant Secretary
Title

7/1/13
Date



Planning and Development Review Department
 P.O. Box 1088, Austin, Texas 78767
 One Texas Center, 505 Barton Springs Road
 Telephone: (512) 974-6370 Fax: (512) 974-2423

Site Development Exemption Request

Site Address: 7439 N LAMAR DA-2012-0297
 Project Name: ESTRAGON / EST MANEY
 Legal Description: Lot 1 BIKD Nonhigh Crest Sec 2
 Zoning: TDD-NP Watershed: Walter Flood Plain? Yes No
 Existing Land Use(s): PAVN SALES
 Proposed Land Use(s): PAVN SALES / FINANCIAL SVCS
 Brief/General Description of the Development being sought:
Add FINANCIAL SVCS TO EXIST. E.O.

Attach a detailed description of the proposed development in a memorandum or letter and a site plat or survey plan that graphically indicates, but is not limited to,:

- existing trees
- buildings
- parking areas
- roadways/streets
- all areas of impervious cover levels (existing & proposed)
- erosion controls (i.e.: silt fencing, tree protection)
- limits of construction
- type of construction
- location of construction
- accessible parking
- access route
- on-site sewage (septic) systems and drain fields

1. ANDREW DOBSON (PRINT NAME) do hereby certify that I am the

owner owner's agent (to act as the owner's agent, written authorization from the owner must be provided) of this described property, and in this capacity, submit this request for exemption from the site plan submittal requirements pursuant to Chapter 25-5-2 of the Austin City Code.

Furthermore, I certify and acknowledge that:

1. Although the proposed development does not require a formal site plan approval, it may require, prior to beginning any site work, the approval of the subdivision or issuance of a building, remodel, and/or demolition permit;
2. Although the proposed development complies with all applicable zoning regulations, it does not prohibit enforcement of restrictive covenants and/or deed restrictions;
3. The approval of this exemption request does not constitute authorization to violate any provisions of the Austin City Code.

NOTE:

According to Rick Argola, there is no CO for a use at 7439 N. Lamar, and there apparently never has been either a building permit or CO issued for this address.

The CO for 7435 N. Lamar does not list Financial Services as a use either. RPL

Departmental Use Only

Project Name PAWA / EGCASH	Case Number 2012-0397	Applicant Name Wally DeSsa
If Required Review <input type="checkbox"/>	Date 3-12-12	Comments <input type="checkbox"/>
Site Plan <input type="checkbox"/>	3-12-12	<input type="checkbox"/>

AWM

Transport **3-12-12** SPOC*

AWM

Drainage **3-13-12** SPOC*

KEH

Erection **3/12/12** SPOC*

John

AFD **3/12**

AWU **MDL 3-12-12** *NA*

Plumbing **MDL 3-12-12**

NA

AE

• SPOC - Single Point of Contact

DODDSON CIVIL GROUP, LLC
361 Middle Creek, Beeda, TX 78610

March 9, 2012

COA, Development Assistance Center
505 Barton Springs Rd
Austin, TX 78702

RE: Site plan exemption for 7439 N Lamar Blvd

Dear Reviewers,

The owner of the tract is requesting a site plan exemption to amend their current certificate of occupancy. They wish to add financial services to the C.O.

The following services are currently in use in the building:

Pawnshop, payday advance/loan, deferred presentment loan, consumer loan, credit service organization services and products, check cashing, debit and credit cards and related features and services, auto title loans, firearms dealer, consumer financial services and credit products, credit access business services and products, alternative financial services, money transmission, bill pay.

The financial services business occupies approximately 300 sf of the space. The entire business is a standalone structure and all the parking is in place. There is no construction proposed with this change.

If you have any questions please contact me at 748-3253

Sincerely,


Andrew Dodson, PE
Dodson Civil Group, LLC



March 8th 2012

Re.: 7439 N. Lamar, Austin TX 78752

To Whom It May Concern;

This letter shall act as authorization for Andy Dodson, PE., 1 Dauda, the owner and landlord, in matters regarding Site-pl changes to the Use at the above property.

Sincerely,

Sebastian Dauda

Walker, Susan

From: Loayza, Katherine <kloayza@jw.com>
Sent: Wednesday, December 04, 2013 11:57 AM
To: Walker, Susan
Cc: Nias, Jim
Subject: 7501 N. Lamar Texas Title Loans B.O.A. Application Update
Attachments: Authorization Letter 7501 N. Lamar.pdf; Location Map Alt Fin Serv Bus. Use 7501 N. Lamar.pdf; 7435 N. Lamar CAB_7439 N. Lamar S.P. Exemption.pdf; Revised sht 3&4 7501 N. Lamar BOA application.pdf

Importance: High

Susan,

Attached are several documents for the above referenced B.O.A. variance application:

As requested, the authorization letter is attached. I will bring you the application fee ASAP.

In the process of determining the distance of any other alternative financial services business uses within 1,000' of the subject site, I found that one of the sites was outside of the 1,000' limit, therefore, I revised pages 3 and 4 of the application to indicate there may be only one site.

I have included a map of the subject site and the adjacent use EZPawn/EZMoney with the distances based upon property boundary versus distance from the building structure to the **apparent** alternative financial services business use.

A major concern is that it is unclear as to whether or not the adjacent use is really an alternative financial services business use or not. This is a matter which needs to be confirmed by the City. We are including this variance at this time to cover all aspects of compliance.

To facilitate a determination by the City as to this matter, I have attached records which I obtained from the City regarding the Credit Access Business (CAB) registration for the used referred to as EZPawn LP. As you know, pawn shops are not considered to be alternative financial services business uses, therefore, the CAB registration is not relevant to **7439 N. Lamar**, which is identified as the location of EZMoney which is an alternative financial services business use. (According to the map that I have attached, the City shows the address for the location of EZMoney to be 7439 N. Lamar.) Since the records refer to EZPawn and EZMoney, it is not clear exactly what use the CAB was issued for.

To further elaborate on this issue, the CAB issued for **7435 N. Lamar** was approved based upon a C.O. issued in 1984 for the occupancy as commercial building. The building permit was issued in 1978 around the same time as our site and indicates the use occupancy as retail store.

EZMoney is an alternative financial business use, however, there is no CAB issued for its location which is **7439 N. Lamar** not 7435 N. Lamar.

EZPawn/EZMoney use at 7439 N. Lamar is referenced in the attached approved site plan exemption issued on March 12, 2012 for a use addition for financial services to the existing C.O. However, I have confirmed with Rick Arzola (Permit Center) that there never has been a C.O. issued for 7439 N. Lamar, nor are there any building permit records for this location. **Furthermore, the only C.O. which does exist, which is addressed at 7435 N. Lamar, does not include a reference to financial services use.**

Therefore, it does not appear that EZMoney has the required CAB to be considered an alternative financial service business use.

Since this issue will be brought up at the B.O.A. hearing you may want to share this information with Chris Johnson as it is rather confusing and unclear at this point as to whether we do need a variance for the distance requirement or not.

Thanks,

Katherine

Katherine Loayza

Land Use Consultant

Jackson Walker L.L.P

100 Congress Avenue Suite 1100

Austin, TX 78701

O: (512) 236-2259

F: (512) 691-4412

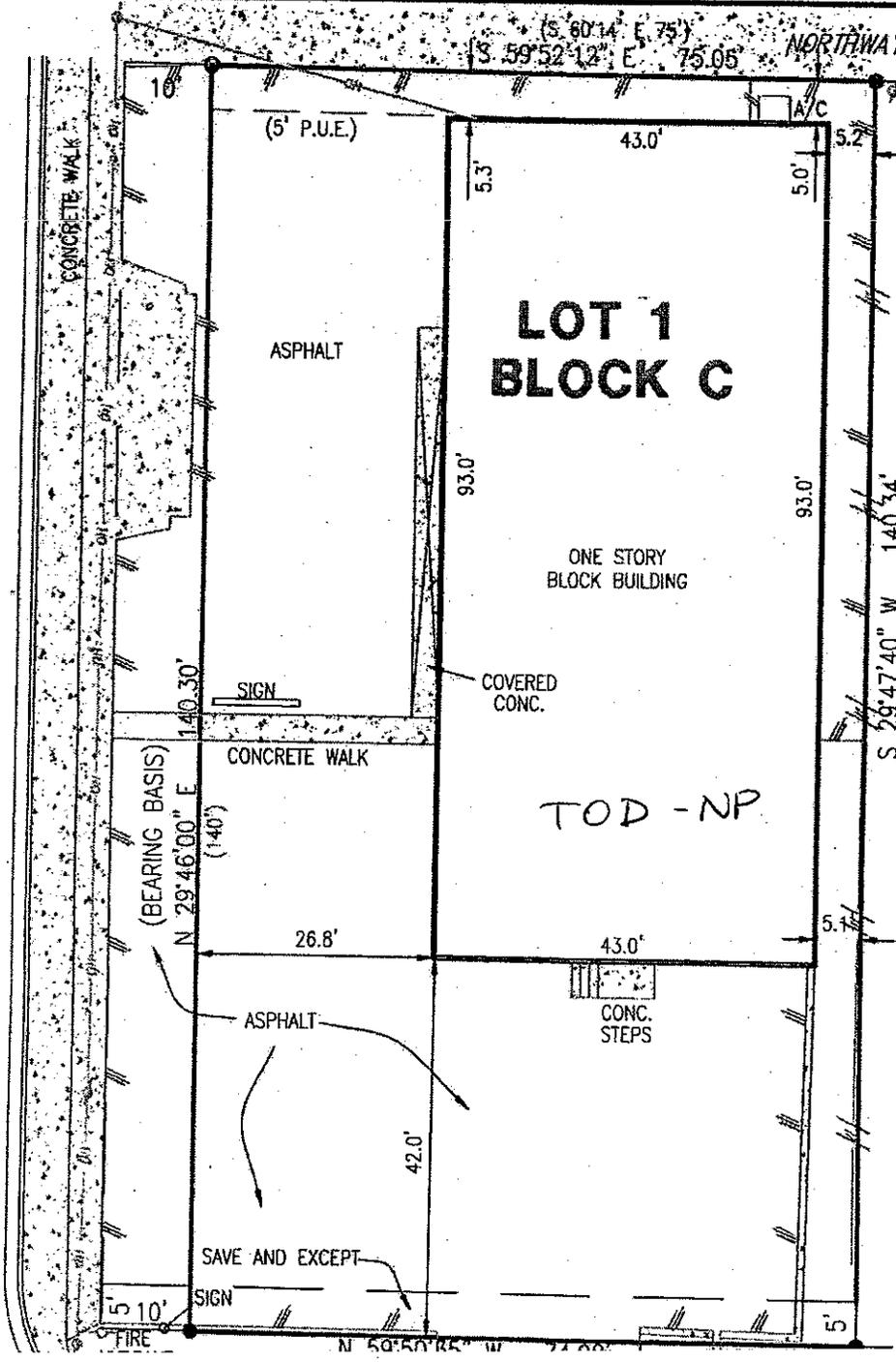
kloayza@jw.com

www.jw.com



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LAMAR BOULEVARD
(R.O.W. VARIES)



LEGEND

- 1/2" REBAR FOUND
- 1/2" CAPPED REBAR SET
- 1/2" IRON PIPE FOUND
- 60D NAIL FOUND
- CAPPED REBAR FOUND
- ⊗ "X" SET IN CONCRETE
- ⊗ "X" FOUND IN CONCRETE
- SPINDLE FOUND
- CHAIN LINK FENCE
- || WOOD FENCE
- || METAL FENCE
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- () PER PLAT
- C.M. CONTROL MONUMENT
- R.O.W. RIGHT OF WAY
- P.O.B. PLACE OF BEGINNING
- OH OVERHEAD ELECTRIC
- ⊕ POWER POLE

LOT 2
SF-3-NP

*LEGAL DESCRIPTION PER WARRANTY DEED AS RECORDED IN VOLUME 12176, PAGE 1164, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS:

THAT REAL PROPERTY LOCATED KNOWN AS EITHER 7501 NORTH LAMAR AND AS 712 WEST CRESTLAND DRIVE, AUSTIN, TRAVIS COUNTY, TEXAS LEGALLY DESCRIBED AS LOT ONE (1), BLOCK "C", NORTHWAY CREST SECTION NO. 2, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ACCORDING TO THE MAP OR PLAT OF RECORDIN VOLUME 6, PAGE 26, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, TOGETHER WITH THE ADJACENT PLANTING STRIP, 10' x 140', ACCORDING TO SAID PLAT, SAVE AND EXCEPT THE SOUTH (5') FEET OF SAID LOT ONE (1).