

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

**DATE:** Monday, March 10, 2014

**CASE NUMBER:** C15-2014-0005

\_\_\_\_\_  
Jeff Jack  
\_\_\_\_\_  
Michael Von Ohlen  
\_\_\_\_\_  
Ricardo De Camps  
\_\_\_\_\_  
Bryan King  
\_\_\_\_\_  
Fred McGhee  
\_\_\_\_\_  
Melissa Hawthorne  
\_\_\_\_\_  
Sallie Burchett

**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 APRIL 14, 2014 BY STAFF

**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

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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](http://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

David Tillotson

Your Name (please print)

810 West St. John's Avenue

Your address(es) affected by this application



Signature

Daytime Telephone: (512) 482-5548

Date

01/06/2014

Comments: There is an excess supply of

alternative financial services businesses in the immediate vicinity. In addition, the area is seeing dramatic improvement and alternative financial services groups do not make the community a place where people want to live and work.

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

☐ I am in favor  
☒ I object

## Ramirez, Diana

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**From:** Heldenfels, Leane  
**Sent:** Friday, March 07, 2014 9:11 AM  
**To:** Guernsey, Greg  
**Cc:** ~~Ramirez, Diana; Leane, Leane@jw.com; Johnson, Christopher [PDRD]~~  
**Subject:** RE: Texas Title Loans 7501 N. Lamar/c15-2013-0005

At the March 10<sup>th</sup> meeting I will request a 30 day postponement to the April 14<sup>th</sup> meeting.

Leane Heldenfels  
Board of Adjustment Liaison  
City of Austin

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**From:** Guernsey, Greg  
**Sent:** Thursday, March 06, 2014 7:58 PM  
**To:** Loayza, Katherine; Johnson, Christopher [PDRD]; Heldenfels, Leane  
**Cc:** Nias, Jim; Edwards, Sue  
**Subject:** RE: Texas Title Loans 7501 N. Lamar  
**Importance:** High

Hi Katherine:

Here is the certified mail information we discussed today. By this email I will agree that City Staff will request a postponement of the March 10 BOA meeting for at least 30 days so we can further discuss the non-conforming use status.

Greg

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**From:** ~~Loayza, Katherine [mailto:kloayza@jw.com]~~  
**Sent:** Friday, February 28, 2014 11:58 AM  
**To:** Edwards, Sue  
**Cc:** Guernsey, Greg; Nias, Jim  
**Subject:** Texas Title Loans 7501 N. Lamar  
**Importance:** High

Sue,

Thank you again for meeting with me yesterday to discuss the issue of getting the City to recognize the Texas Title Loan use located at 7501 N. Lamar to be an existing non-conforming use. I would like to reiterate our position that the existing Certificate of Occupancy issued in 1979 and again reissued in 2007 when Texas Title Loans occupied the lease space is still valid.

The fact that the building that exists at this location has not been altered since 1978, supports our position that the original building permit and related CO issued with the occupancy as "lease space retail" is still valid because the CO allows any use permitted under the list of retail uses allowed in the "LR" and "GR" retail districts pursuant to Chapter 45 of the City Code in effect at the time the permit was issued. At that time "retail" encompassed a variety of different uses, including banks and other office uses. Therefore our client's use in 2007 was allowed under the existing CO, as described by the zoning ordinance in effect at that time and would not have triggered a new CO because there was no new building construction required for them to occupy the space, nor did the use trigger a building code use category change.

Greg's point that the 1979 CO would have listed a particular use at that time is not the case based upon the fact that the building permit notes that one lease space is for "retail lacquer", however, the CO does not narrow the occupancy to the end user, but describes the occupancy under the broader category of "lease space retail" as well as "1 stry conc tilt wall & steel comm bldg Retail Sales Bldg."

The fact of the matter is that the CO occupancy information for commercial permits over the past decades has never been consistent in describing the end user of the space under occupancy, but has focused on described the building code use category. The transition from describing the building code use category on CO's to also include zoning use categories has only occurred recently with the new computer program AMANDA and more zealously as a result of Code Compliance Department citations. Furthermore, my position on this point is supported by the EZ Pawn permit which we discussed, where the CO for the space at 7435 N. Lamar describes the occupancy to be "retail store" in 1978 and "Commercial Remodel" in 1985. I will be glad to provide you with more examples of this if you wish.

I hope that you can find a way for us to move past this issue which we have been working on for some time. We can provide additional information as necessary to prove that the use was established in 2007 so that it can continue at this location as a legal non-conforming use. The fact that the tenant failed to obtain a site plan exemption for their occupancy of the lease space at this location does not negate the fact that the business was established in full compliance with the both the existing CO and the LDC in 2007.

Thank you again for your time.

Katherine

**Katherine Loayza**  
*Land Use Consultant*  
**Jackson Walker L.L.P**  
100 Congress Avenue Suite 1100  
Austin, TX 78701  
~~O (512) 238-2209~~  
~~F (512) 691-3412~~  
~~kloayza@jw.com~~  
~~www.jw.com~~



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**Walker, Susan**

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**From:** Loayza, Katherine [REDACTED]  
**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](mailto:kloayza@jw.com)

[www.jw.com](http://www.jw.com)



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**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**

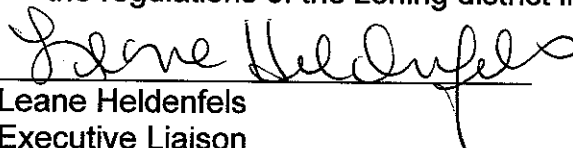
**ADDRESS: 7501 LAMAR BLVD**

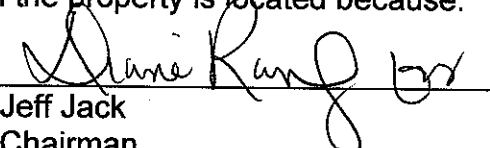
**VARIANCE REQUESTED:** The applicant has requested variances from Sections 25-2-816 (B) (1) which states an alternative financial services business use may not be located on a site that is within 1,000 feet of a site that contains another alternative financial services business use; 25-2-816 (B) (2) 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

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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

Your Name (Please print)

Craig Chick

☐ I am in favor  
☒ I object

Your address(es) affected by this application

706 W. Crestland Dr. 78752

Signature

Daytime Telephone: (512) 829-1005

Date

Comments: I strongly object to the noise for this

area. Our neighborhood is littered with brown shag &

padding down highways.

We had my home broken into through the

the people walk down the street & upon the

development each time.

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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**Case Number:** C15-2014-0005 - 7501 N Lamar Blvd

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, January 13th, 2014

*Craig Chick*

Your Name (please print)

*708 W. Crestland Dr. 78752*

Your address(es) affected by this application

*Craig Chick*

Signature

*1/31/14*

Date

Daytime Telephone: *(512) 829-1005*

Comments: *I strongly object to the variance for this use. Our neighborhood is littered with pawnshops & payday loaner business. We had my home broken into three times & the people walk down the street & own the merchandise each time.*

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> 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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Case Number: C15-2014-0005 - 7501 N Lamar Blvd

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, January 13th, 2014

Dana Meadows

Your Name (please print)

☐ I am in favor  
☒ Object

631 Annesbury Lane 78752

Your address(es) affected by this application

Dana Meadows 1/4/14

Signature

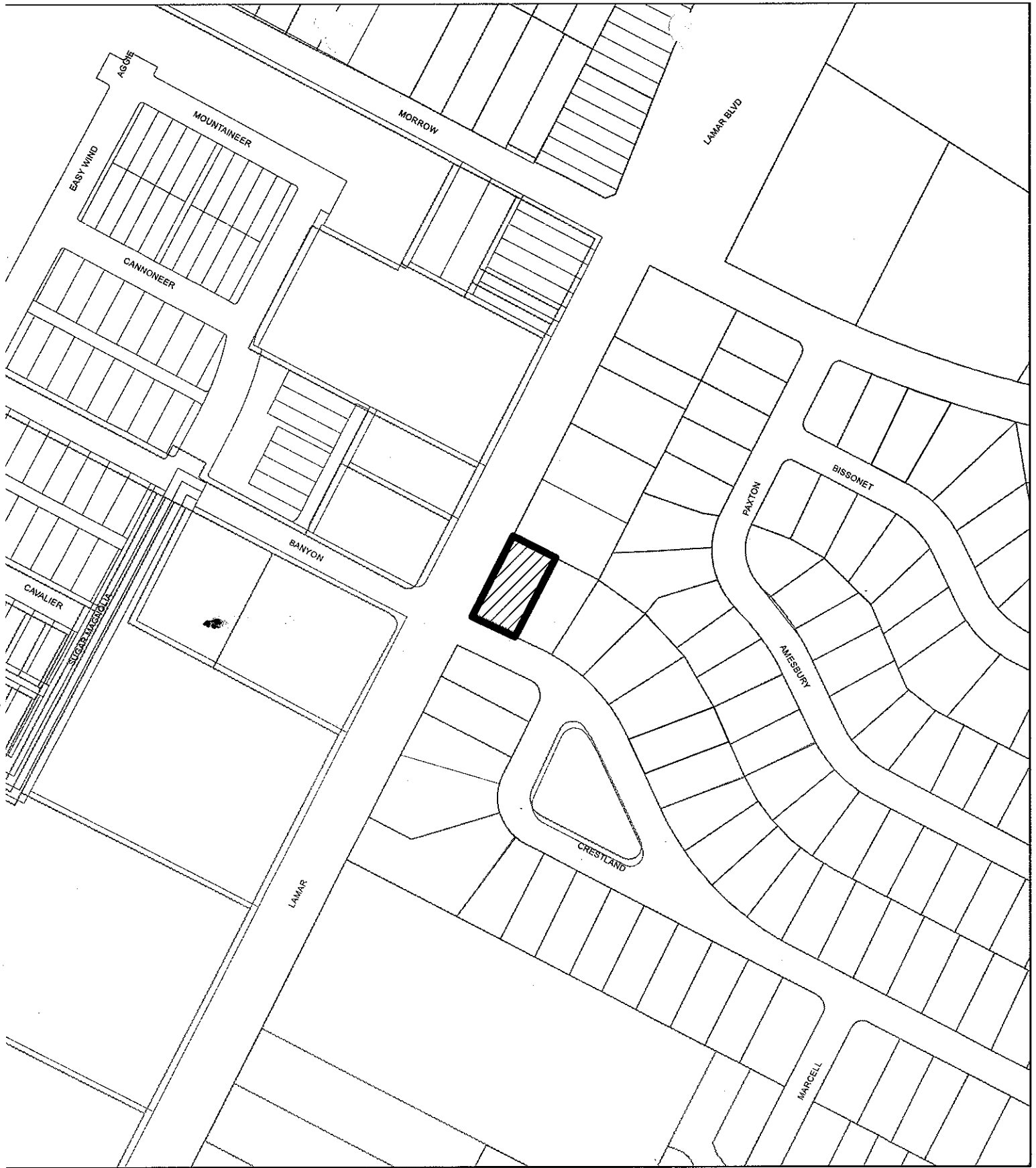
Date

Daytime Telephone: 512 773 0389

Comments: Lamar, between Airport and 183, on the east side primarily does not reflect the neighborhood and either side of Lamar. It already has too many used food shops and now "alternatives" like commercial services. These services lower property values & give restaurants. 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

Dana Meadows  
had impression  
of my neighbor-  
hood.

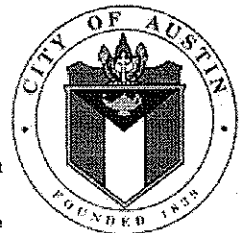


SUBJECT TRACT



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](mailto:kloayza@jw.com)

[www.jw.com](http://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.

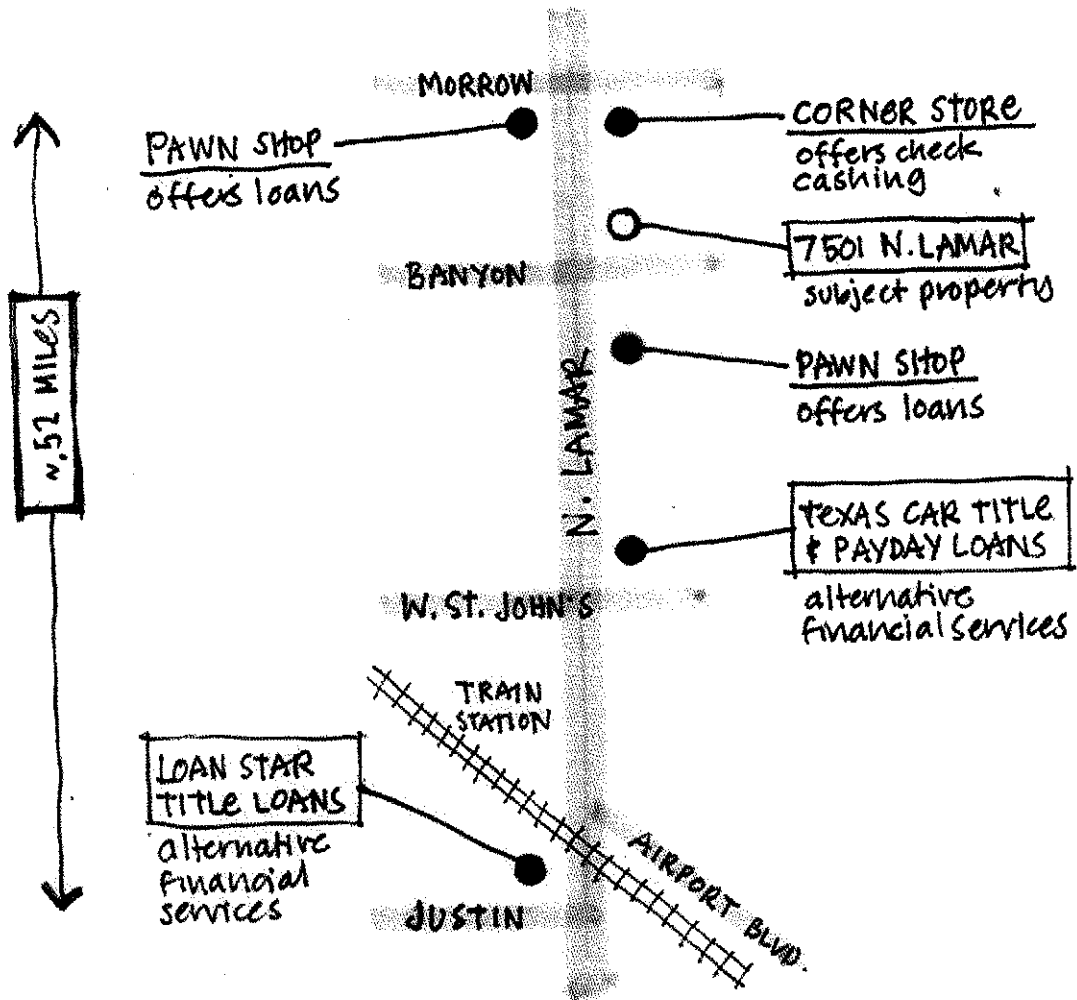
In short, these applicants can find a site that works for their concept and complies with code - SOMEWHERE ELSE!

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



**Walker, Susan**

---

**From:** Alex Schmitz  
**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.

## 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.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- 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](http://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

*Valerie Kanak*

Your Name (please print)

*702 W Crestland Dr*

Your address(es) affected by this application

*Valerie Kanak*

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:**  
City of Austin-Planning & Development Review Department/ 1st Floor

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, 2<sup>nd</sup> 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, 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

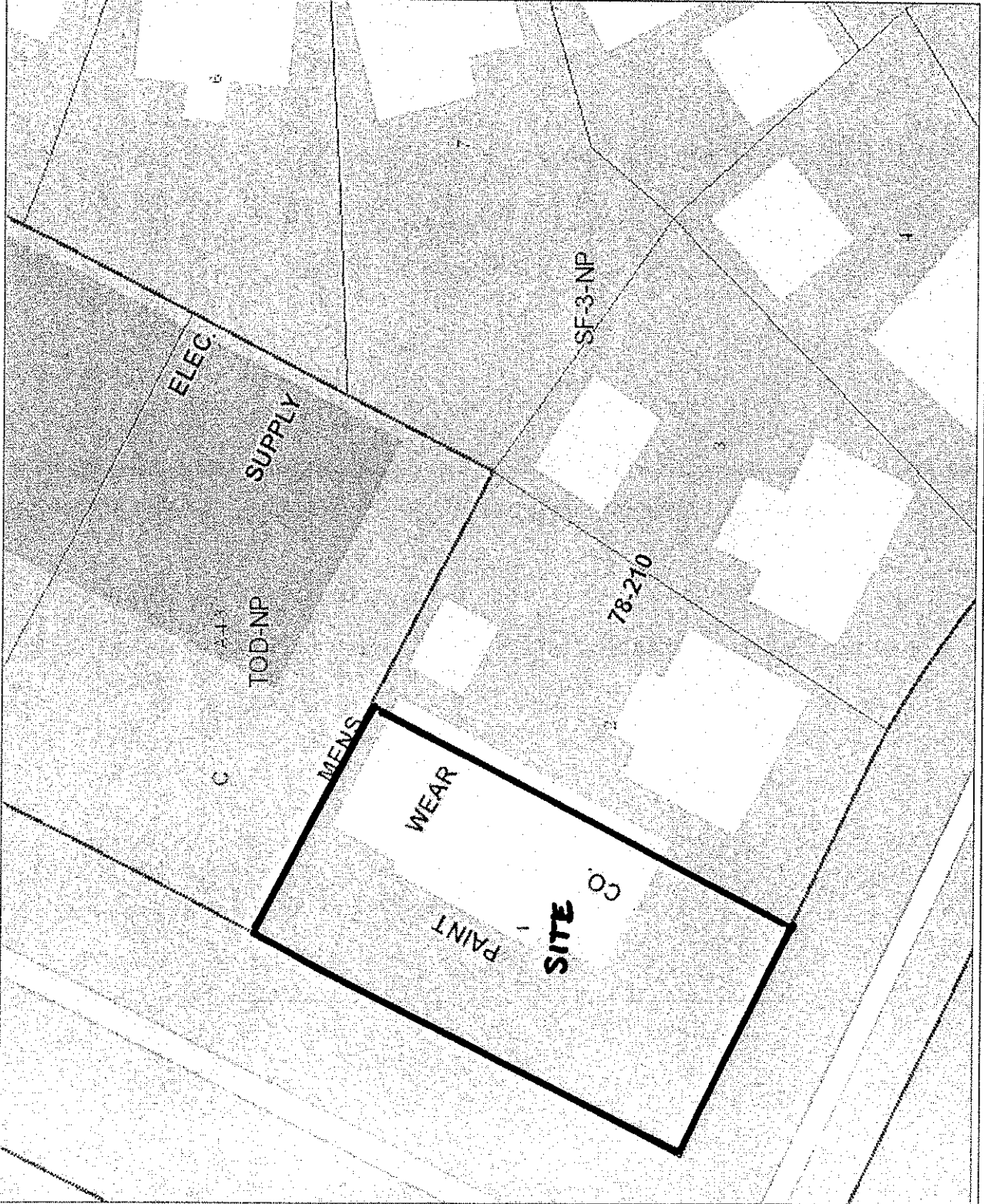
**OWNERS CERTIFICATE** - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

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

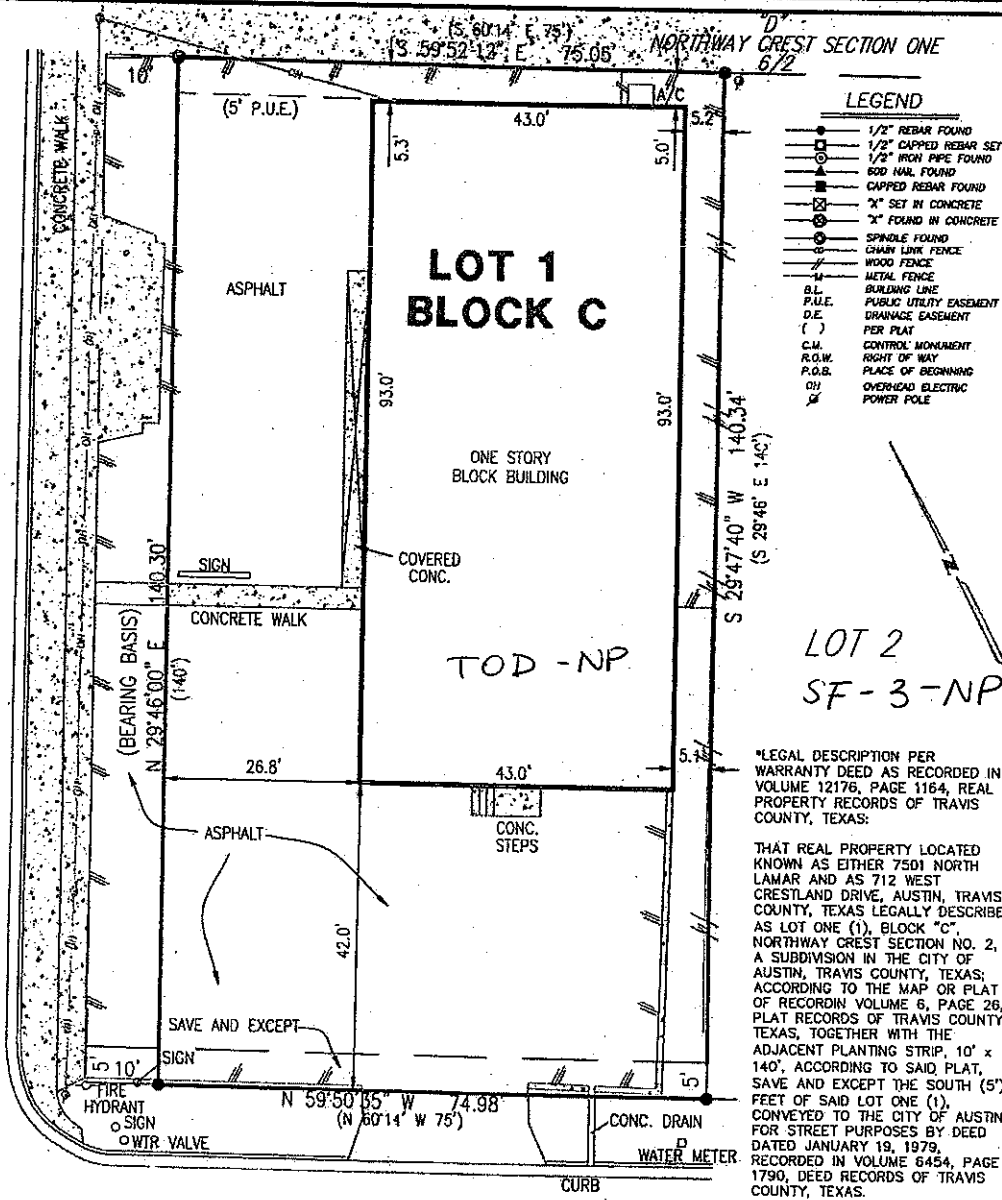
Lot Line

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)



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

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

**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.



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 0455H, DATED 09/26/08. 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.

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	11/4/13

WWW.BANDGSURVEY.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) (*Commerical 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,

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

**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.

**PASSED AND APPROVED**

www.ck12.org

**APPROVED:**

**ATTEST:**

Page 3 of 3



www.in.com • Austin • Dallas • Fort Worth • Houston • Los Angeles • San Antonio • San Diego or elsewhere

(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:

Outlot -

NORTHWAY CREST SEC. 2

Fire Zone: 3

Use Dist.

GR &amp; A 1st

Occupancy: 1) LEASE SPACE 2) RETAIL LACQUER  
~~CA 49-223-1500 LA 85' X 140'~~

7-5-79	Layout	Framing	10-9-79	Final	Commercial
Foundation	3	Floor joist size & o.c.	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	stud size & o.c.	Rails	✓	Fences ✓
Type Const.	II	W. Insulation	Attic Vent.		Corridors
Spec. Permit #		Sheetrock	Insulation		
BOA		Commercial Sheetrock	Hood Vent.		
		Occup. Sep.	Glass		
		Thru out	Deadbolts		
			Fireplaces		7501-1599 #
					1-EXIT 1211
					1-EXIT CLOSURE

Owner: MR. H M CASKEY

Contractor: RAYMOND C. TURBS.

7503-1400 # SALES AREA &amp; STORAGE

1-EXIT

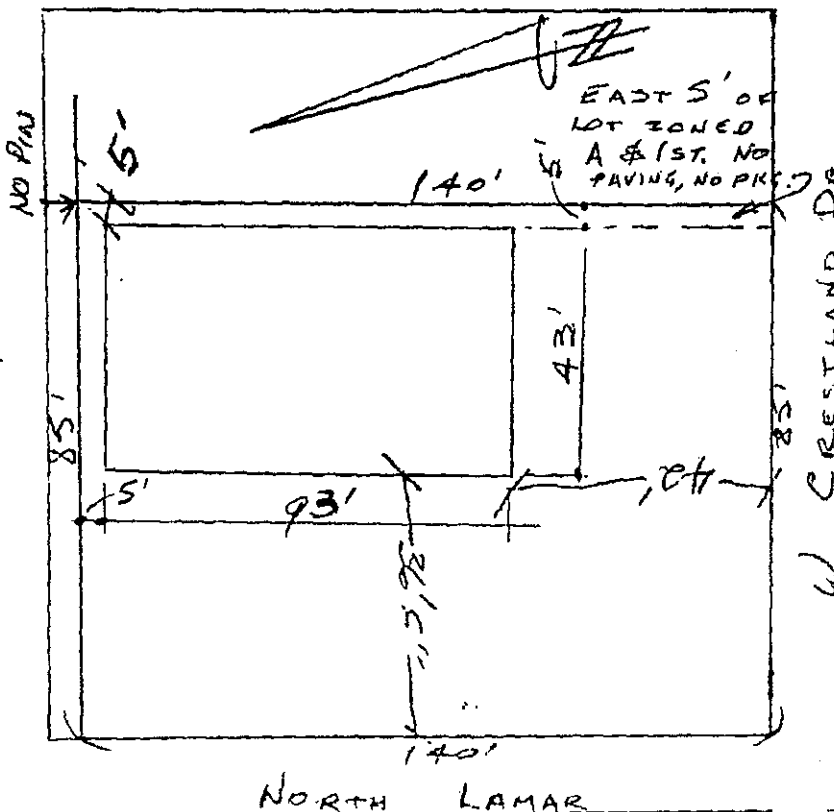
BID 2005 JUNE 77



City of Austin

Clerk RARR. Date 7-2-79

Address: 7501 No. LAMAR



193  
63  
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 story 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&		
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.			

## **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-I)

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

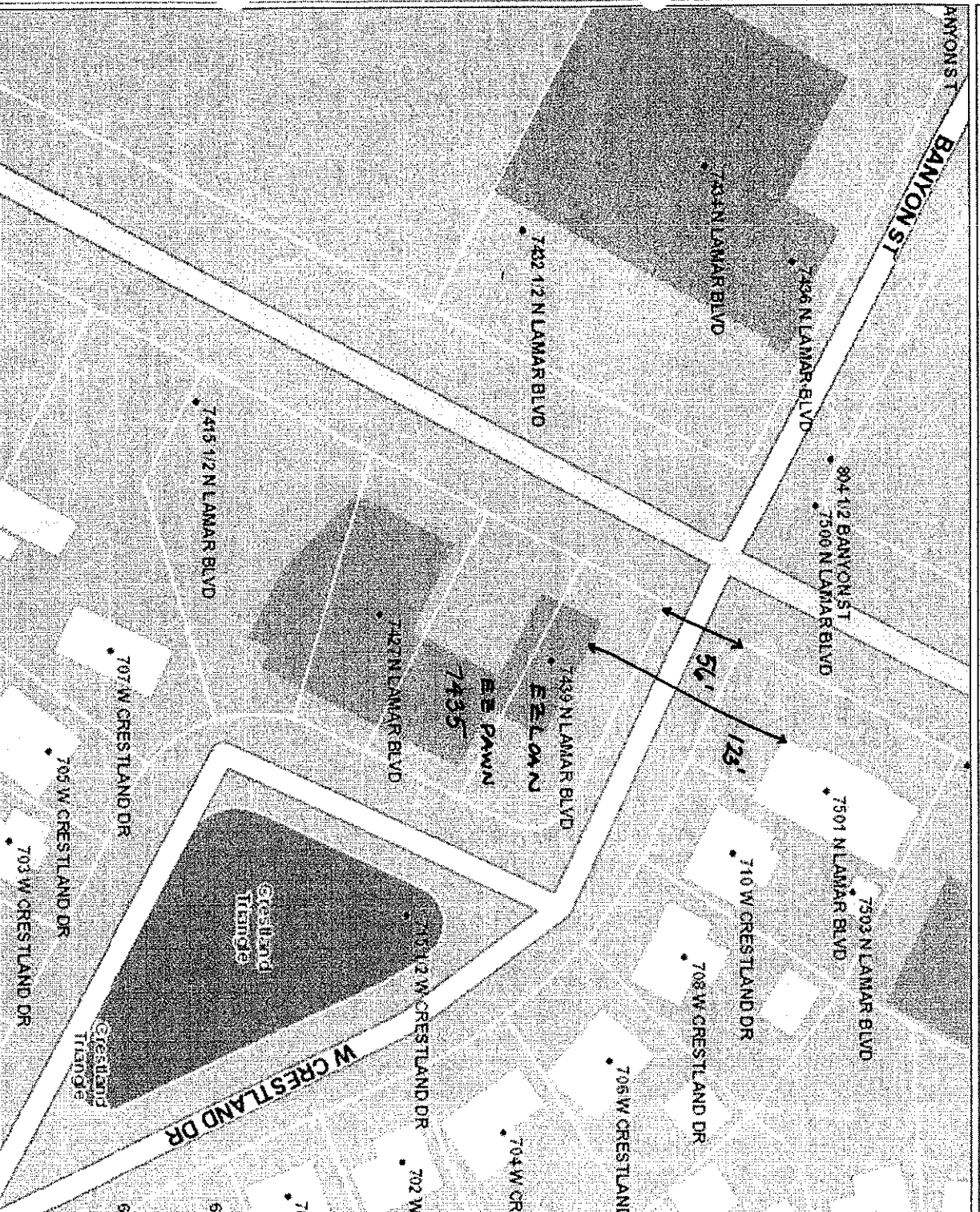
I hereby authorize Katherine Loayza and Jim Nias of Jackson Walker L.L.P. to submit an application to the Board of Adjustment on behalf of Texas Loan Brokers I, LLC d/b/a Texas Title Loans for the requested B.O.A. variances on my behalf, and to handle all matters related to said application.

Sincerely,

Todd Pearah

A handwritten signature in black ink, appearing to be 'T. Pearah', written over a horizontal line.

# 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 # A2013009116A**

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

<u>5-25-78</u>	<u>Layout</u>	<u>7-27-78</u>	<u>Framing</u>	<u>9-13-78</u>	<u>Final</u>	<u>Commercial</u>
Foundation	<u>8</u>	Floor joist size & o.c.		Bldg. Conn.		Parking <u>12</u>
Front setback	<u>88</u>	ceiling joist size & o.c.		Room Vent.		Exits
Total & Min. side yard	<u>0</u>	stud size & o.c.		Stairs		Exit lights
<del>888</del> St. Yard <u>REAR</u>	<u>25'</u>		<u>2x4</u> <u>2x6 16</u>	Rails		Fences
Type Const.	<u>III</u>	W. Insulation		Attic Vent.		Corridors
Spec. Permit #		Sheetrock		Insulation		
BOA		Commercial Sheetrock		Hood Vent.		
		Occup. Sep.	<u>1 hr - 5</u>	Glass		
		Thru out		Deadbolts		
				Fireplaces		
				<u>DRENOOM</u>		

Owner: PETER W. JASIN | Contractor: SUPERIOR

NO EXIT ON EAST 10' ON CROSSLAND. CONSTRUCTORS  
56x60 - 3360<sup>sq</sup>

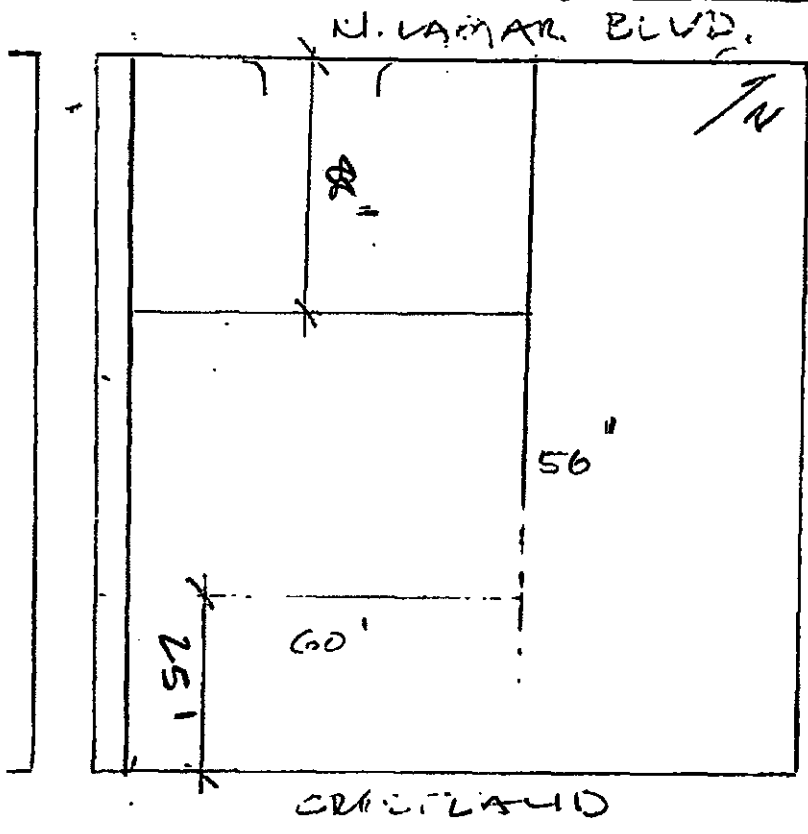


BID 2005 JUNE 77

City of Austin

Clerk RST | Date 9/24/78

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 #	172435	DATE	4-25-78
		OWNERS ESTIMATE	48,000
CONTRACTOR	Superior Con Structures		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 L11 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.

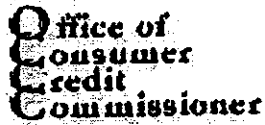
NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION

OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISE, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISE.

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

BUILDING CODE REVIEWER:

  
For Leon Barba, Building Official

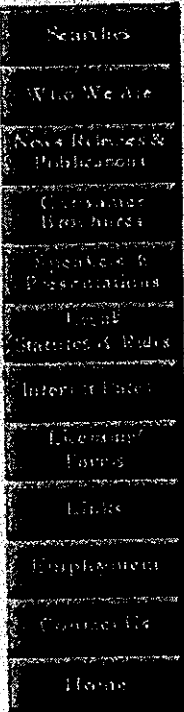


Consumer Helpline: (800) 538-1579



**En Español**

## Search Results



**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

COA Registration Number: \_\_\_\_\_

Date of Filing: July 10, 2013 State CAB License Number: 771-61995

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

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

Home Address \_\_\_\_\_



# STATE OF TEXAS

## Credit Access Business License

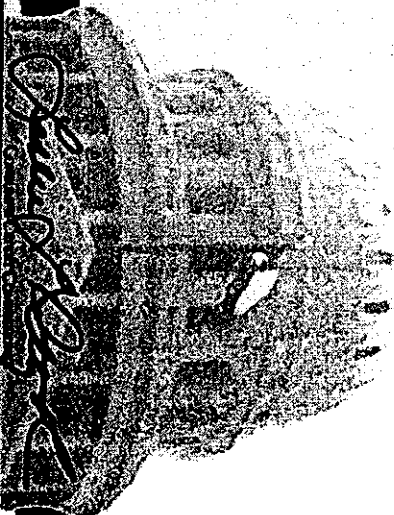
License Number: 771-61995

Active

Office of  
Consumer  
Credit  
Commissioner

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

2601 N Lamar Blvd  
Austin TX 78705  
www.occc.state.tx.us  
(512)936-7600  
Consumer Helpline:  
(800) 538-1579



Address Change 05/16/2012

49326

114601

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 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 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) 754-8547 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 \_\_\_\_\_

Title \_\_\_\_\_

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-2010-0297
Project Name:	EPAUN / EEP Money		
Legal Description:	Lot 1 BIRD Northway Crest Sec 2		
Zoning:	TD-NP	Watershed:	Waller
Existing Land Use(s):	PAUN SALES	Flood Plain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Proposed Land Use(s):	PAUN SALES / FINANCIAL SVCS		
Brief General Description of the Development being sought:	Add FINANCIAL SVCS TO EXIST. CO.		

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,:

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

I, Andres 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 Arzola, 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.

KPL

# Departmental Use Only

Project Name: <b>PAWU / Ecash</b>		Case Number: <b>11-0010-0097</b>		Applicant Name: <b>Wald Delsa</b>	
Site Plan		Date: <b>3-12-12</b>		Comments	
<input checked="" type="checkbox"/> Transport		<b>3-12-12</b>		<input type="checkbox"/> SPOC*	
<b>Alan</b>					
<input checked="" type="checkbox"/> Drainage		<b>3-13-12</b>		<input type="checkbox"/> SPOC*	
<b>KLH</b>					
<input type="checkbox"/> Environ		<b>3/12/12</b>		<input type="checkbox"/> SPOC*	
<b>Jo John</b>					
<input checked="" type="checkbox"/> AFD		<b>3/12</b>			
<input checked="" type="checkbox"/> AWU		<b>MDL 3-12-12</b>		<b>N/A</b>	
<input checked="" type="checkbox"/> Plumbing		<b>MDL 3-12-12</b>		<b>N/A</b>	
<input type="checkbox"/> AE					

• SPOC - Single Point of Contact

**DODSON CIVIL GROUP, LLC**

361 Middle Creek, Buda, 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



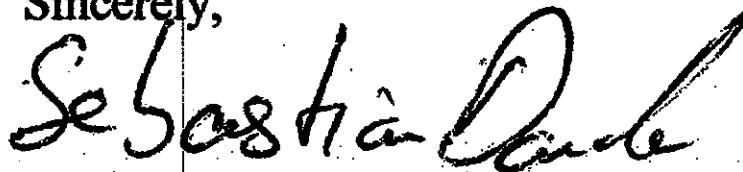
March 8<sup>th</sup> 2012

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,

A handwritten signature in black ink, appearing to read "Sebastian Dauda". The signature is written in a cursive, flowing style with a large initial 'S'.