

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

DATE: Monday, May 12, 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

VARIANCE REQUESTED: The applicant has requested a variance from Section 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."; and from Section 25-2-816 (B) (2) which states, "An alternative financial services business use may not be located 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 from Section 25-2-816 (C) which states, "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)

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BOARD'S DECISION: POSTPONED TO JUNE 9, 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



MEMORANDUM

TO: Jeff Jack, Board of Adjustment Chair
Board of Adjustment Members

FROM: Christopher Johnson
Development Assistance Center Manager
Planning & Development Review Department

DATE: May 8, 2014

SUBJECT: 7501 N Lamar Blvd

The permit history for the property at 7501 N Lamar Blvd is as follows:

- 07/02/1979 – Building permit # 183447 issued for construction of a 1 story concrete commercial retail sales building
- 10/09/1979 – Certificate of Occupancy for Retail Sales building issued, which is also the current certificate of occupancy for this structure
- 11/13/1979 – Sign permit issued for “Austin Lacquer Company Automotive Paint & Body Shop Supplies & Equipment” consistent with a Retail Sales use

At some point in 2007 or 2008, a title loan provider moved into this structure. This use would have been classified as *Financial Services* use at that time, and this change of use required approval of a building permit and issuance of a new Certificate of Occupancy for *Financial Services* use, per Section 25-1-361, which did not occur. Since no Certificate of Occupancy was issued for a *Financial Services* use, this business is not legally occupying this structure and the current certificate of occupancy is for General Retail Sales use. Although sign permit 2007-172369-SB was issued 01/02/2008 for “Texas Title Loan”, a sign permit does not establish a use or result in a new certificate of occupancy. Today sign review staff check to see if proposed signage is consistent with current certificates of occupancy or pending building plans or permits, but that was not routinely the case in 2007.

On 05/07/2012, Ordinance 20120426-139 became effective, which excluded title lenders, payday lenders, and check cashing business from the definition of *Financial Services* use, created a new use classification of *Alternative Financial Services*, and established the current regulations governing such facilities. Any *Alternative Financial Services* facility that was legally operating

prior to 05/07/2012, but does not comply with the current regulations, is permitted to continue to operate as a legal, non-conforming use. However, because the facility at 7501 N Lamar Blvd did not have a certificate of occupancy for a *Financial Services* use, it was not a legally established use, and therefor is not considered a nonconforming use. It is a use occupying a structure without proper certificate of occupancy. Based on the existing Certificate of Occupancy, the legal use of this structure is General Retail Sales. To legally establish the *Alternative Financial Services* use, it must comply with all applicable regulations for the proposed change of use to obtain a Certificate of Occupancy for the new use.

Attached are copies of the permits and current Certificate of Occupancy for 7501 N Lamar, indicating the retail use, along with 5 examples of Certificates of Occupancy for legally established *Financial Services* facilities that were established with building permit approvals for a change of use from a prior occupancy, all of which were issued prior to the effective date of Ordinance 20120426-139.

RELATED CODE REFERENCES:

25-2-4 COMMERCIAL USES DESCRIBED.

(A) Commercial uses include the sale, rental, servicing, and distribution of goods, and the provision of services, other than those classified as industrial or civic uses.

(B) Commercial use classifications are described as follows:

(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.

(30) **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.

(34) **GENERAL RETAIL SALES (CONVENIENCE)** use is the use of a site for the sale or rental of commonly used goods and merchandise for personal or household use, but excludes uses classified more specifically in this section. This use includes the provision of household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, specialty items, apparel, jewelry, fabrics, cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services, office supplies, and bicycles.

(35) **GENERAL RETAIL SALES (GENERAL)** use is the use of a site for the sale or rental of commonly used goods for personal or household use, but excludes uses classified more specifically in this section. This use includes department stores, furniture stores, and establishments providing home furnishings, appliances, wallpaper, floor-covering, or automotive parts and accessories (excluding service and installation).

25-2-941 NONCONFORMING USE DEFINED.

NONCONFORMING USE means a land use that does not conform to current use regulations, but did conform to the use regulations in effect at the time the use was established.

25-1-361 CERTIFICATE REQUIRED.

(A) In the zoning jurisdiction and in a municipal utility district that has a consent agreement with the City requiring the issuance of a building permit, a person may not use, occupy, or change the existing use or occupancy of a structure unless the building official has issued a certificate of occupancy for the structure.

(B) In the planning jurisdiction:

(1) for development that does not require a site plan, a person may not use or occupy a structure unless the accountable official has issued a certificate of compliance for the subdivision infrastructure; and

(2) for development that requires a site plan, a person may not use or occupy the development included in the site plan unless the accountable official has issued certificates of compliance for the site plan and the subdivision infrastructure.

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

C15-2014-0005

Lot 1

Certificate Of Occupancy

Permit # 183447

Block C

No. 91495

Zoning GR & A & 1st.

Subdv. Northway Crest
Sec. 2

DEPARTMENT OF BUILDING INSPECTION
City of Austin, Texas

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. Gaskey

Owner of Improvements _____ Address _____

Contractor Raymond Tubbs

Address P.O. Box 14140
78761

Plumber A. Parks

No. of Gas Meters 1

Remarks _____

Date 10-9-79

By JJ

BUILDING OFFICIAL

BID #2008

OFFICE COPY

SEE REVERSE SIDE

SIGN PERMIT

OWNER	H.M. Caskey & Sons	ADDRESS	7501 North Lamar Blvd.
PLAT	313	LOT	one (1)
		BLK	"C"
SUBDIVISION	Northway Crest, Sect. 2		
OCCUPANCY	Sign		
BLDG. PERMIT #	187877	DATE	11/13/79
		OWNERS ESTIMATE	350.00
CONTRACTOR	Regal	NO. OF FIXTURES	
WATER TAP REC#	SEWER TAP REC#		
Erect a sign: AUSTIN LACQUER COMPANY AUTOMOTIVE PAINT &			
BODY SHOP SUPPLIES & EQUIPMENT			



City of Austin

SIGN PERMIT

C15-2014-0005

PERMIT NO: 2007 - 172369 SB

Sign Type: Wall

Status: EXPIRED

7501 N LAMAR BLVD

Issue Date: 01/02/2008

Expiry Date: 06/30/2008

LEGAL DESCRIPTION	REVIEWED BY Clara Hilling	ISSUED BY Glenda Wilsford
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DESCRIPTION OF WORK Wall	PROPOSED SIGN Wall sign "Texas Title Loan" East elevation
VARIANCE	ZONING GR-MU-CO-NP
SIGN FACE DIMENSIONS	TOTAL SIGN FACE AREA 38.25
TOTAL AREA OF EXISTING SIGNS ON FAÇADE	DIMENSIONS OF BUILDING FAÇADE 60x15
TOTAL HEIGHT OF SIGN	SETBACK OF SIGN
CLEARANCE ABOVE GRADE	LINEAR FEET OF STREET FRONTAGE
NUMBER OF OTHER FREESTANDING SIGNS ON PROPERTY	SIZE OF EACH SIGN SUPPORT

Sign District: Commercial

Electrical Inspection Required: Yes

Contact Outdoor Advertising Contractor, One Stop Signs, LLP	Telephone (281) 353-1600
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Fee Description

	<u>Fee Amount</u>	<u>Paid Date</u>
Sign Review Fee	\$20.00	12/18/2007
Sign Fee	\$33.00	01/02/2008
Electrical Sign Permit Fee	\$23.00	
Total Fees:	\$76.00	

Comment

Sign/Banner Review	<u>Date</u> 12/18/2007	<u>User</u> Clara Hilling
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Conditions

Sign area may not exceed 20% of facade area of first 15 ft. of bldg. height

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.



City of Austin

CERTIFICATE OF OCCUPANCY**BUILDING PERMIT NO. 1998-007288 BP****ISSUE DATE: 06/23/1998****BUILDING ADDRESS:** 6800 West Gate Boulevard A 00130**LEGAL DESCRIPTION:** Lot: 3B Block: Subdivision: CHERRY CREEK COMMERCIAL III-F, RESUB OF LOTS 2 & 3**PROPOSED OCCUPANCY:**

C-1000 Commercial Remodel

Remodel - Change Of Use Retail To Financial Services

BUILDING GROUP / DIVISION: B**REMODEL BUILDING SQUARE FOOTAGE:** 0**SPRINKLER SYSTEM:****CODE YEAR:****CODE TYPE:****FIXED OCCUPANCY:****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



City of Austin

CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO. 2005-001308 BP

ISSUE DATE: 05/19/2005

BUILDING ADDRESS: 9616 N Lamar Blvd Unit 177

LEGAL DESCRIPTION: Subdivision: Rutland Plaza; Lot: 1

PROPOSED OCCUPANCY:

C-1000 Commercial Remodel

Remodel - Change Of Use From Retail To Financial Services & Interior Remodel (Check N' Go)

BUILDING GROUP / DIVISION: M

REMODEL BUILDING SQUARE FOOTAGE: 0

SPRINKLER SYSTEM:

CODE YEAR:

CODE TYPE:

FIXED OCCUPANCY:

NON FIXED OCCUPANCY:

CONTRACTOR: Retrodo McIntyre, Express Permits

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BUILDING CODE REVIEWER: Tim Langan

For Leon Barba, Building Official



City of Austin

CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO. 2009-123856 BP

ISSUE DATE: 12/16/2009

BUILDING ADDRESS: 2120 S LAMAR BLVD

LEGAL DESCRIPTION: Lot: Block: D Subdivision: OAK HILL SUBDIVISION

PROPOSED OCCUPANCY:

C-1000 Commercial Remodel

Remodel - Change of use and Remodel from Auto Sales to Financial Service Lockbox combo = 2190 on post

BUILDING GROUP / DIVISION: B Business offices

REMODEL BUILDING SQUARE FOOTAGE: 490 SQ. FT.

SPRINKLER SYSTEM: NA

CODE YEAR: 2003

CODE TYPE: ibc

FIXED OCCUPANCY: 0

NON FIXED OCCUPANCY: 0

TYPE OF CONSTRUCTION:

CONTRACTOR: DD Construction Co.

***** **CERTIFICATE OF OCCUPANCY** *****

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BUILDING CODE REVIEWER: Doug Votra

For Leon Barba, Building Official



City of Austin

CERTIFICATE OF OCCUPANCY**BUILDING PERMIT NO. 2011-113605 BP****ISSUE DATE: 04/04/2012****BUILDING ADDRESS:** 9616 N LAMAR BLVD UNIT 153**LEGAL DESCRIPTION:****PROPOSED OCCUPANCY:**

C-1000 Commercial Remodel

Remodel - Change of use and remodel from Retail to Financial Services

BUILDING GROUP / DIVISION: B Business offices**REMODEL BUILDING SQUARE FOOTAGE:** 1702 SQ. FT.**SPRINKLER SYSTEM:** NA**CODE YEAR:** 2009**CODE TYPE:** IBC**FIXED OCCUPANCY:** 0**NON FIXED OCCUPANCY:** 0**TYPE OF CONSTRUCTION:****CONTRACTOR:** Honeycomb Construction, LTD.******* CERTIFICATE OF OCCUPANCY *******

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BUILDING CODE REVIEWER: John Delagarza

For Leon Barba, Building Official



City of Austin

CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO. 2012-010932 BP

ISSUE DATE: 03/22/2012

BUILDING ADDRESS: 1905 E RIVERSIDE DR

LEGAL DESCRIPTION: Lot: Block: B Subdivision: RIVER HILLS ADDITION (A RESUB OF COLORADO HILLS ESTATES SEC 5)

PROPOSED OCCUPANCY:

C-1000 Commercial Remodel
Remodel - Change of Use and Interior Remodel from Retail to Financial Services

BUILDING GROUP / DIVISION: B Business offices

REMODEL BUILDING SQUARE FOOTAGE: 1781 SQ. FT.

SPRINKLER SYSTEM: NA

CODE YEAR: 2009

CODE TYPE: IBC

FIXED OCCUPANCY: 0

NON FIXED OCCUPANCY: 0

TYPE OF CONSTRUCTION:

CONTRACTOR: Design Drywall, Inc.

***** CERTIFICATE OF OCCUPANCY *****

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BUILDING CODE REVIEWER: John Delagarza

For Leon Barba, Building Official

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 Jeffingwell
 § Mayor

APPROVED: Karen M. Kennard
 Karen M. Kennard
 City Attorney

ATTEST: Shirley A. Gentry
 Shirley A. Gentry
 City Clerk

CITY OF AUSTIN

Board of Adjustment/Sign Review Board

Decision Sheet

DATE: Monday, April 14, 2014

CASE NUMBER: C15-2014-0005

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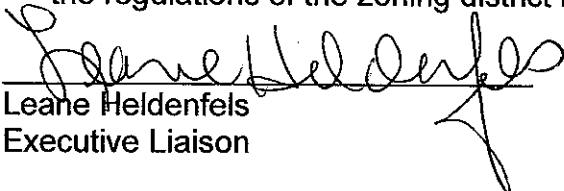
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BOARD'S DECISION: POSTPONED TO MAY 12, 2014

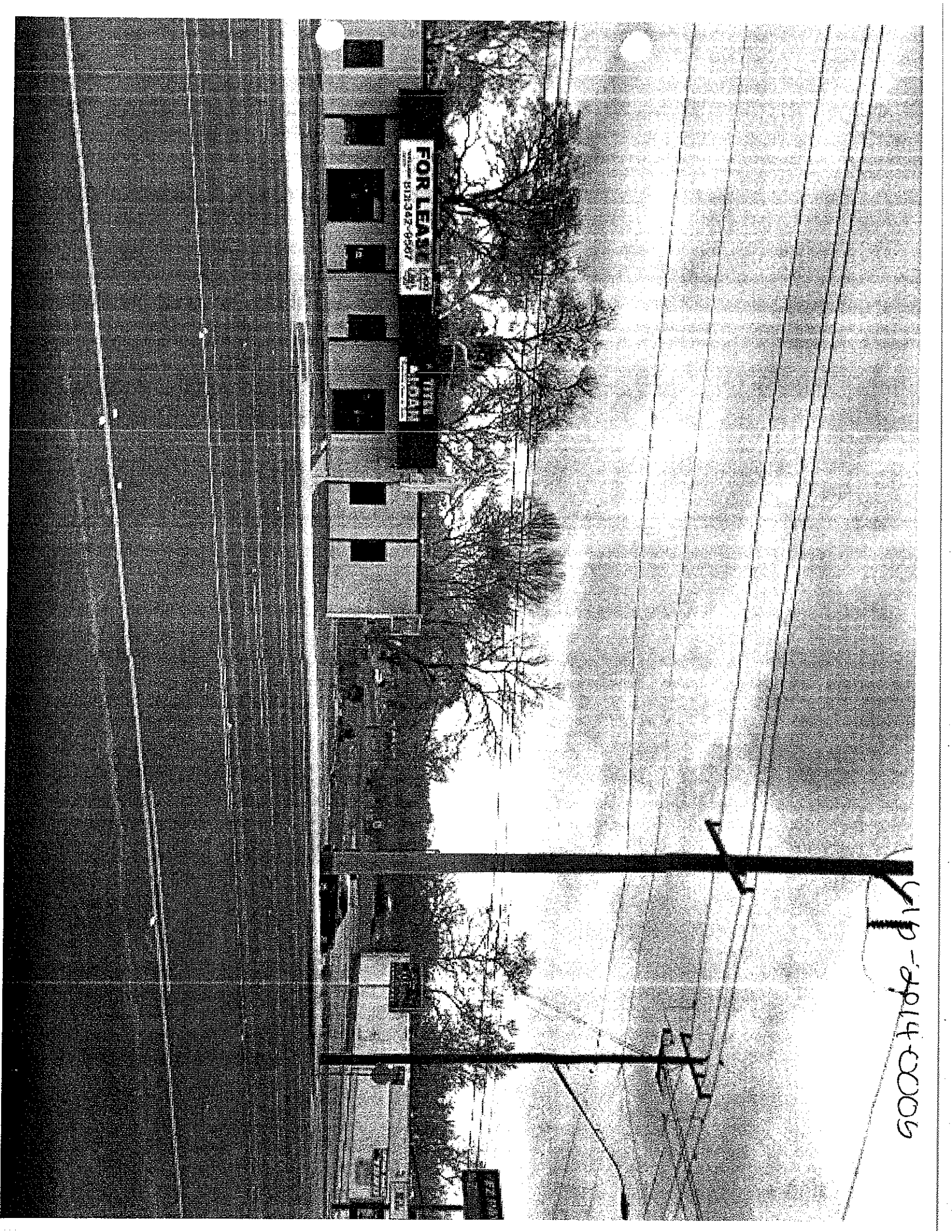
FINDING:

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

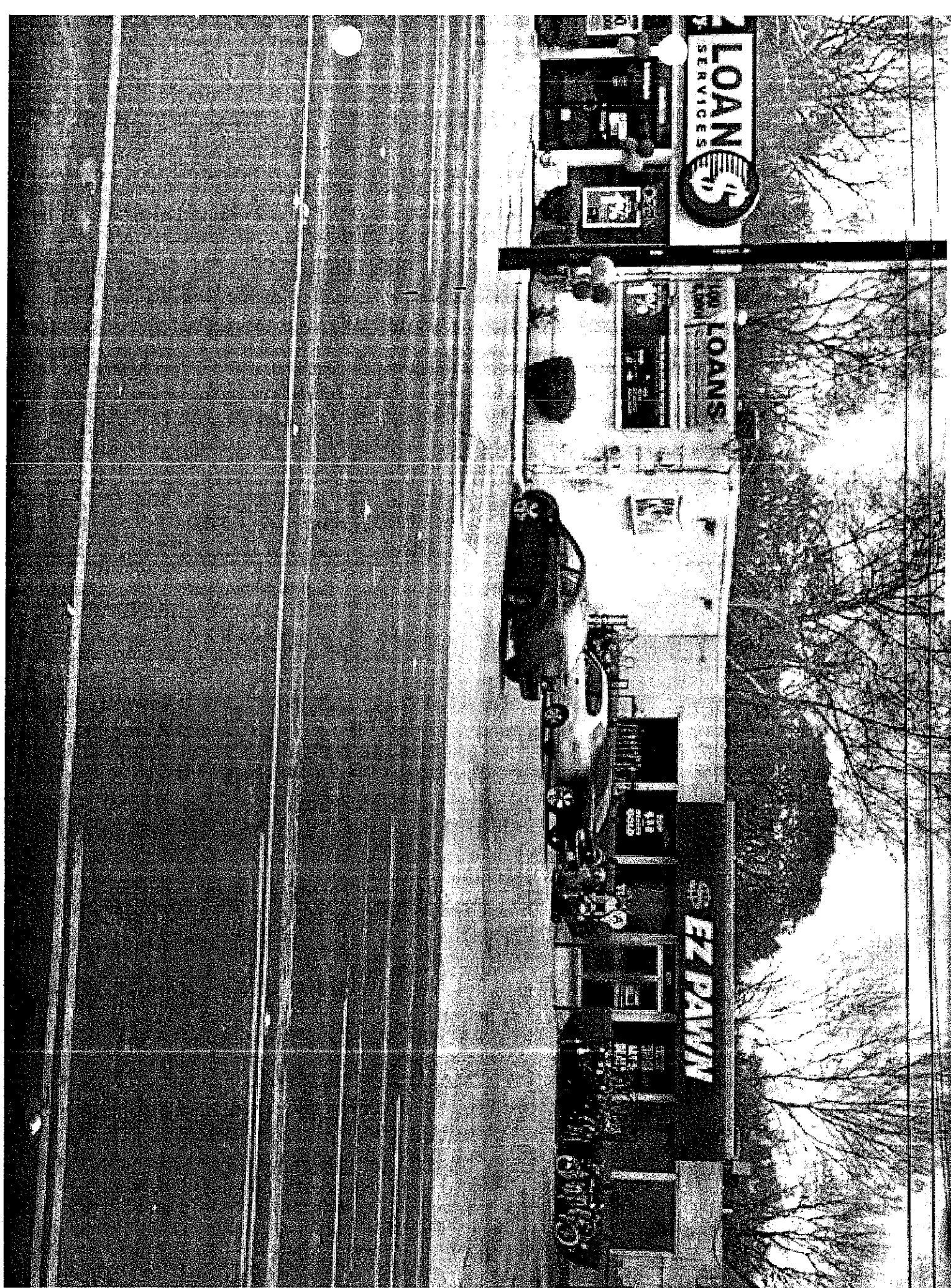

Jeff Jack
Chairman

✓ 119-2914-0006



Address is approximate

015-2044-0005



Excerpt from the February 28, 2012 Planning Commission hearing regarding the Alternative Financial Services Code Amendment C2O-2011-037:

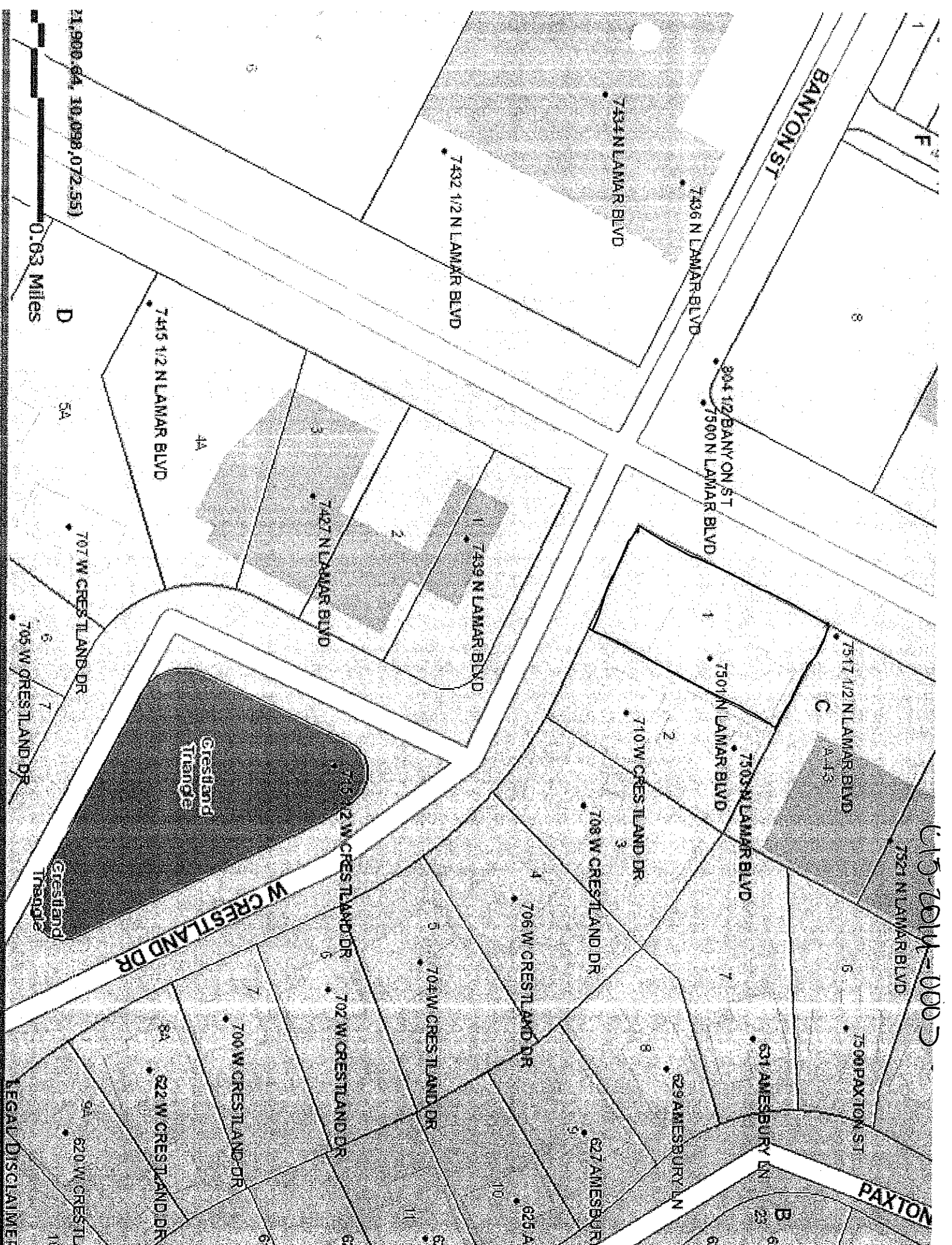
Jeff Jack: "The existing offices, these businesses, are they then forced to move?"

Robert Heil: "No, they would not be forced to move."

Jeff Jack: "So they're going to be grandfathered in as non-conforming uses?"

Robert Heil: "Or they could be legal non-conforming uses, depending on....but they would not be forced to move."

415-7014-0005



21,900.64, 10,098,072.55)
0.63 Miles

LEGAL DISCLAIMER

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.

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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

01/06/2014

Date

Daytime Telephone: (512) 482-5548

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

Ramirez, Diana

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

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

Leane Heldenfels
Board of Adjustment Liaison
City of Austin

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

From: Loayza, Katherine [mailto:KLoayza@city.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 story 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



~~C: [REDACTED]~~
~~F: [REDACTED]~~
~~kloayza@jw.com~~
~~www.jw.com~~

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Walker, Susan

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

www.jw.com



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Decision Sheet

CASE NUMBER: C15-2014-0005

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

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)

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

Craig Chick

Your Name (please print)

706 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 loan businesses.

We had my home broken into the 2nd time of the year and always the street of pawn shops & merchandise 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

☐ I am in favor
☒ I object

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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 noise for this

use. Our neighborhood is filled with brown shops &

payday loan business.

We had our home broken into through the

the people walk along the street & upon the

overhead wire line.

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

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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)

631 Amesbury 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 side shops and other

alternatives." "General services

have been needed to serve but

property values + give potential

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

Home bangers & had implications - poor neighbors -



N



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.

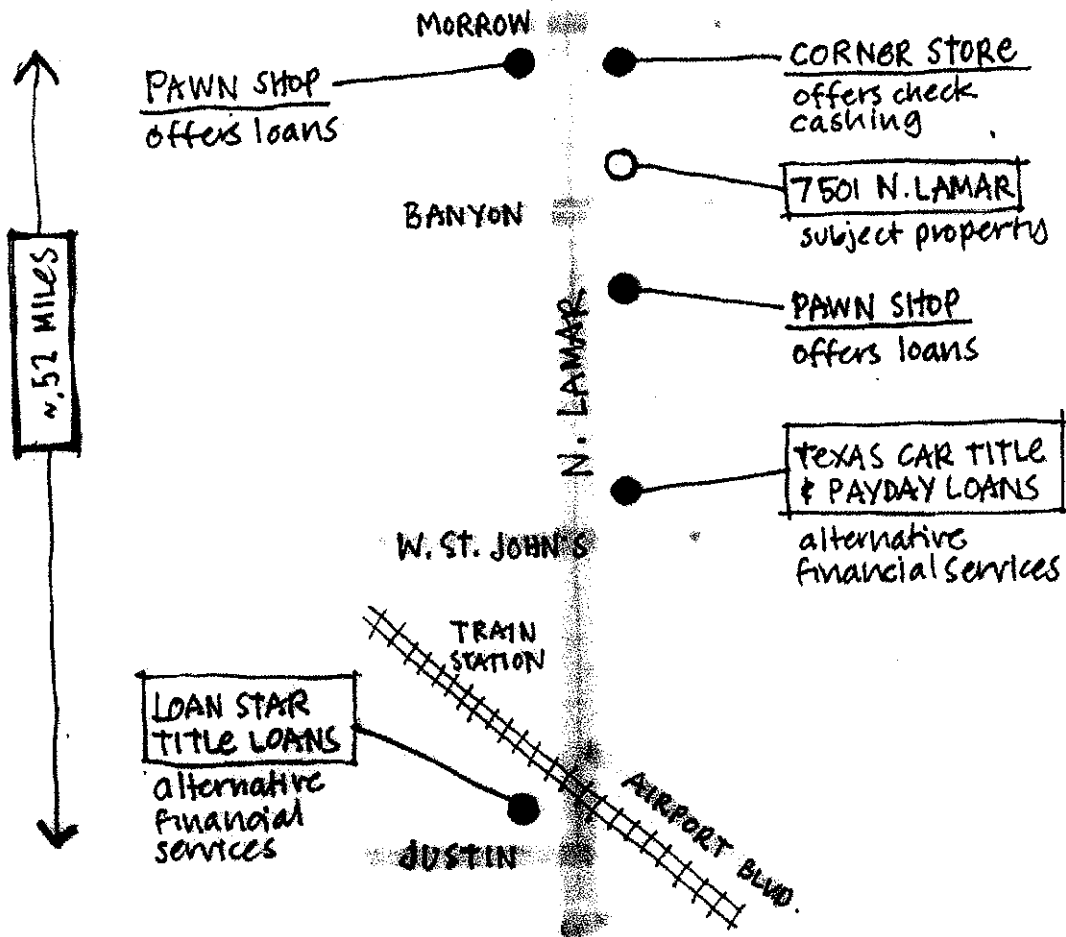
In short, these applicants can find a site that works for their concept and complies with code - **SOMEWHERE ELSE!**

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



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.

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

Date

Daytime Telephone: *512 689 8783*

1/9/2014

☐ I am in favor
☒ I object

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, 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

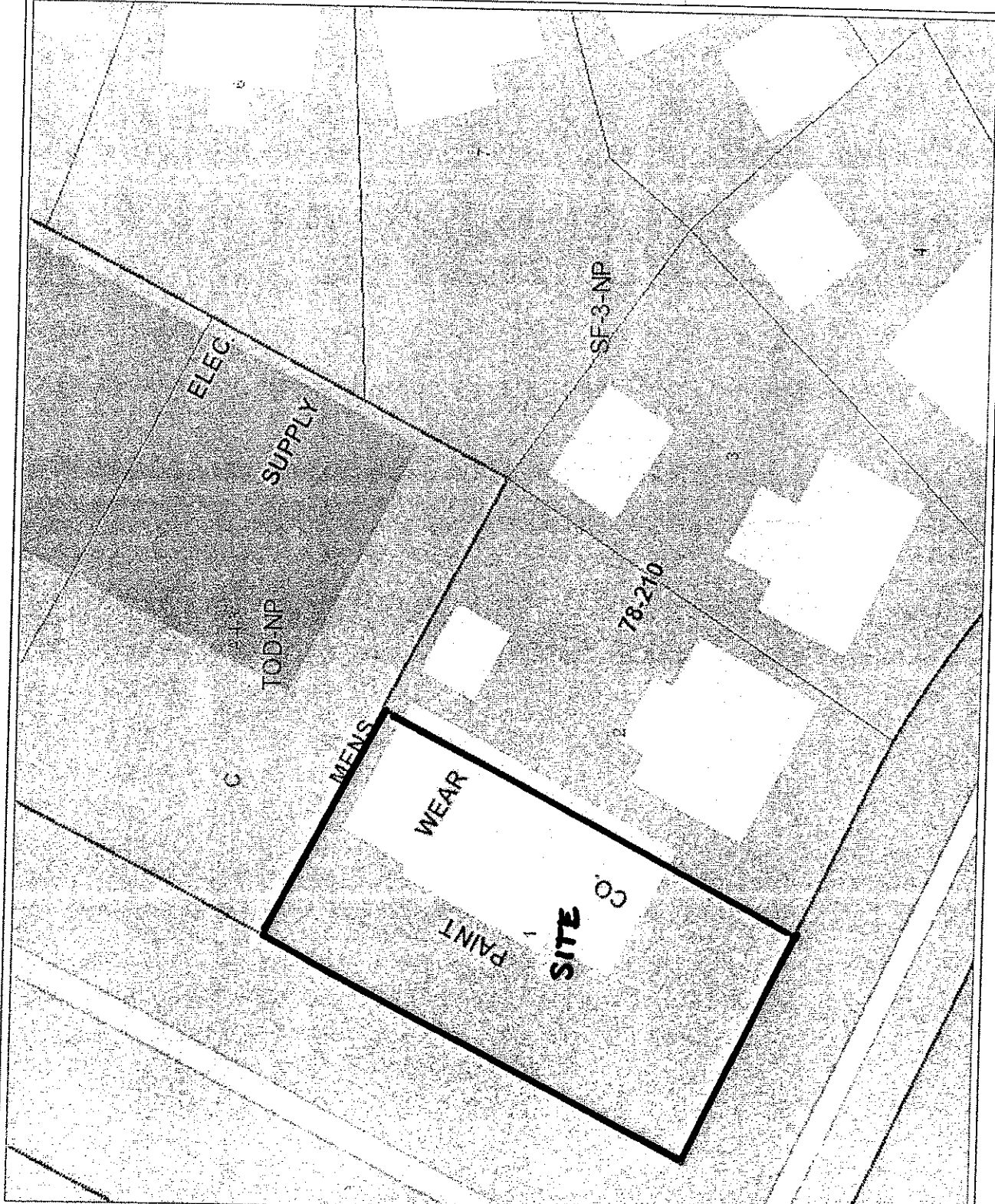
OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed: Todd Pearah Mail Address Todd Pearah

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

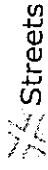
Printed Todd Pearah Phone 214-989-6767 (office) Date _____

7501 N. LAMAR



Legend

Lot Lines

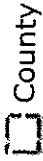
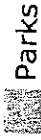


Building Footprints



Named Creeks

Lakes and Rivers



Lot ID

Block ID

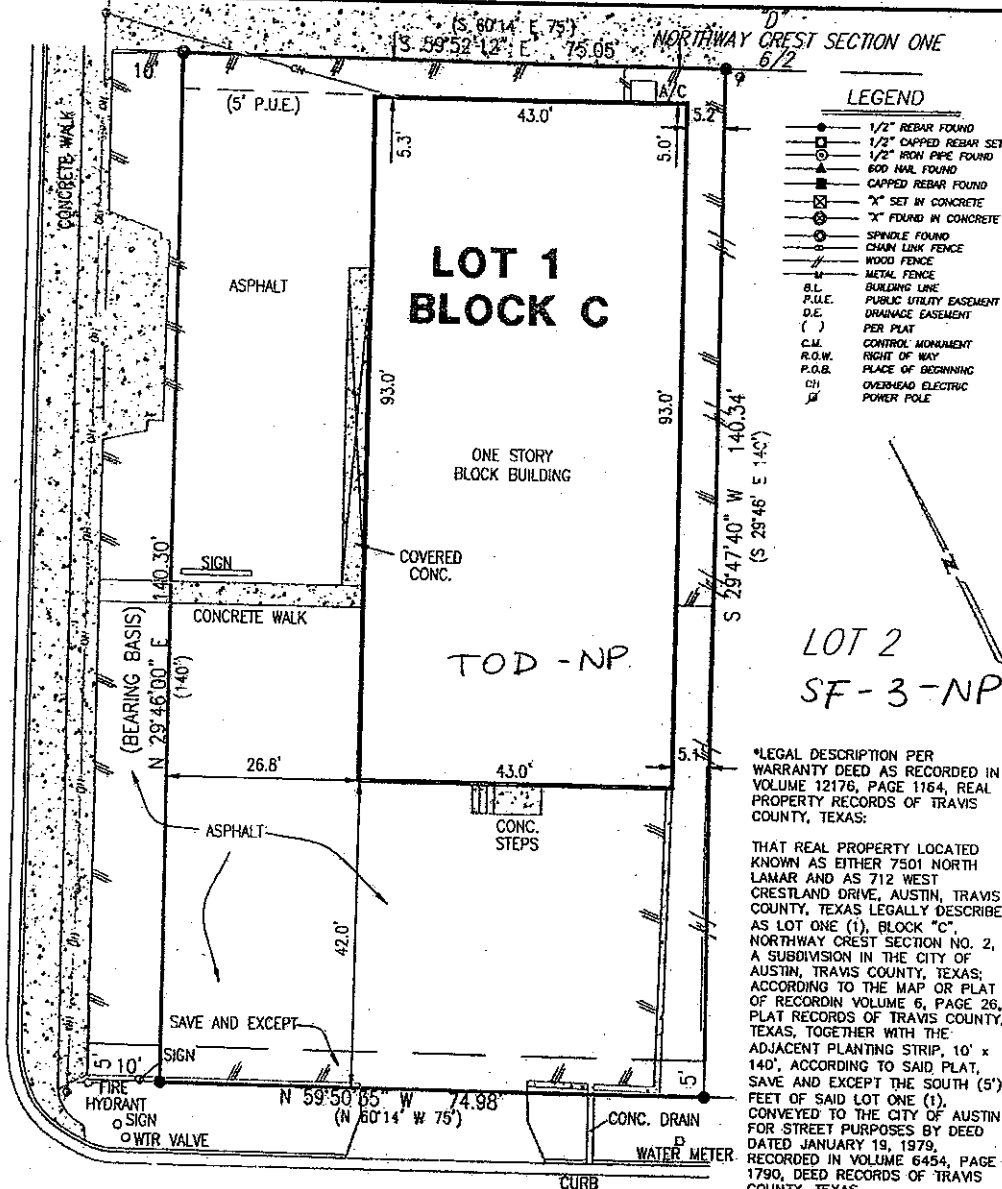
Lot Line

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.

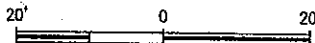
LAMAR BOULEVARD
(R.O.W. VARIES)



WEST CRESTLAND DRIVE

PLATTED AS CRESTLAND DRIVE

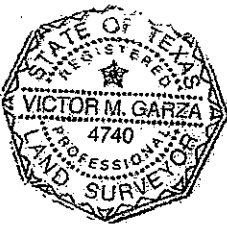
(50' R.O.W.)



[Signature]
TO THE LIOHOLDER 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 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.

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	VC	11/1/13
DRAFTED BY	KRS	11/4/13
CHECKED BY	VC	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,

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.

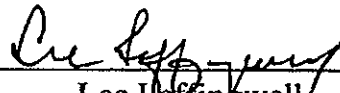
PART 5. This ordinance takes effect on May 7, 2012.

PASSED AND APPROVED

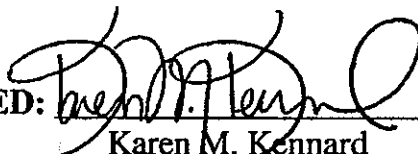
April 26

, 2012

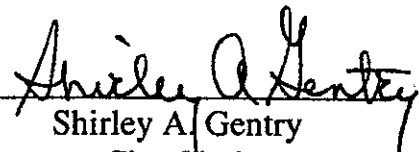
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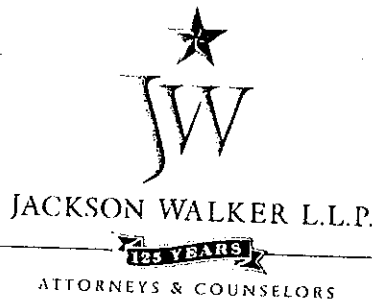

Lee Jeffingwell
Mayor

APPROVED:


Karen M. Kennard
City Attorney

ATTEST:


Shirley A. Gentry
City Clerk



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.

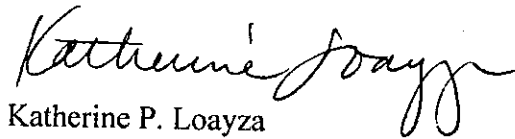
In summary, to deny the Texas Title Loans CAB despite the CO dated December 12, 2007, which was specifically re-issued at that time to confirm the legality of the use when the present tenant moved in, is in essence ignoring the validity of the original building permit which still applies to this building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

A handwritten signature in cursive script, appearing to read "Katherine P. Loayza".

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 & A 1st

Occupancy: 1) LEASE SPACE 2) RETAIL LACQUER
~~CA 49.2 x 34.5 x 11.0' LA 85' x 140'~~

7-5-79	Layout	Framing	10-9-79	Final	Commercial
Foundation	S	Floor joist size & o.c.	Bldg. Conn.		Parking 21
Front setback	36'	ceiling joist size & o.c.	Room Vent.		Exits signs
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.	Hood Vent.		
		Thru out	Glass		
			Deadbolts		
			Fireplaces		7501-1599
					1-EXIT

Owner: MR. H M CASKEY

Contractor: RAYMOND C. TURBS.

7503-1400 SALES AREA
& STORAGE

1-EXIT

BID 2005 JUNE 77

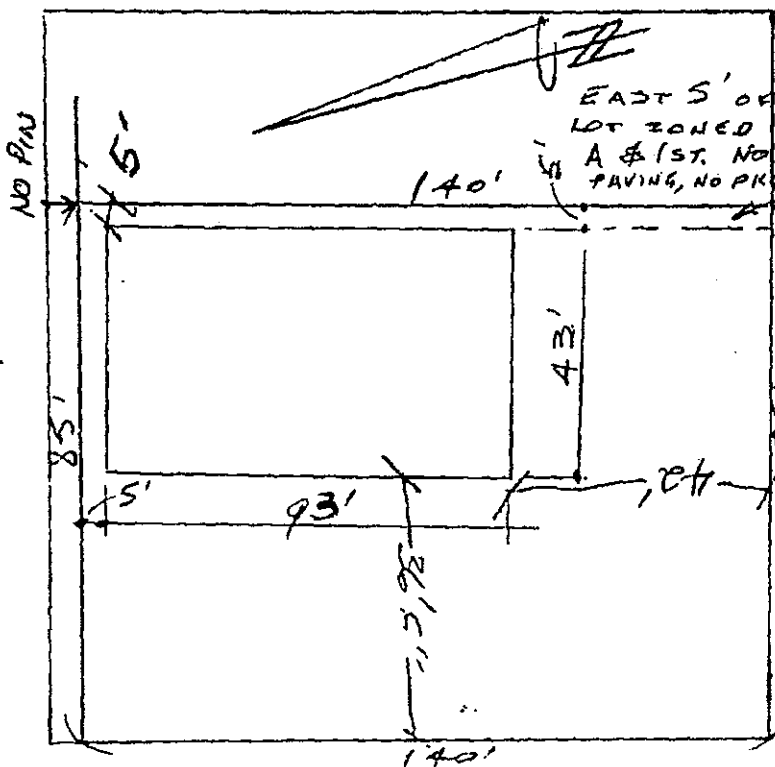


City of Austin

Clerk RARR.

Date 7-2-79

Address: 7501 No. Lamar



NORTH LAMAR

W. CRESTLAND DR.

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&				
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

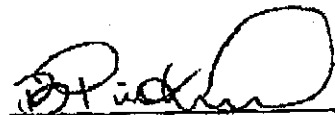
**THIS IS TO CERTIFY THAT, THE BUILDING OR STRUCTURE AT THE ADDRESS
LISTED BELOW WAS INSPECTED AT THE TIME OF THE ORIGINAL DATE FOR
COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR USE
LISTED BELOW.**

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

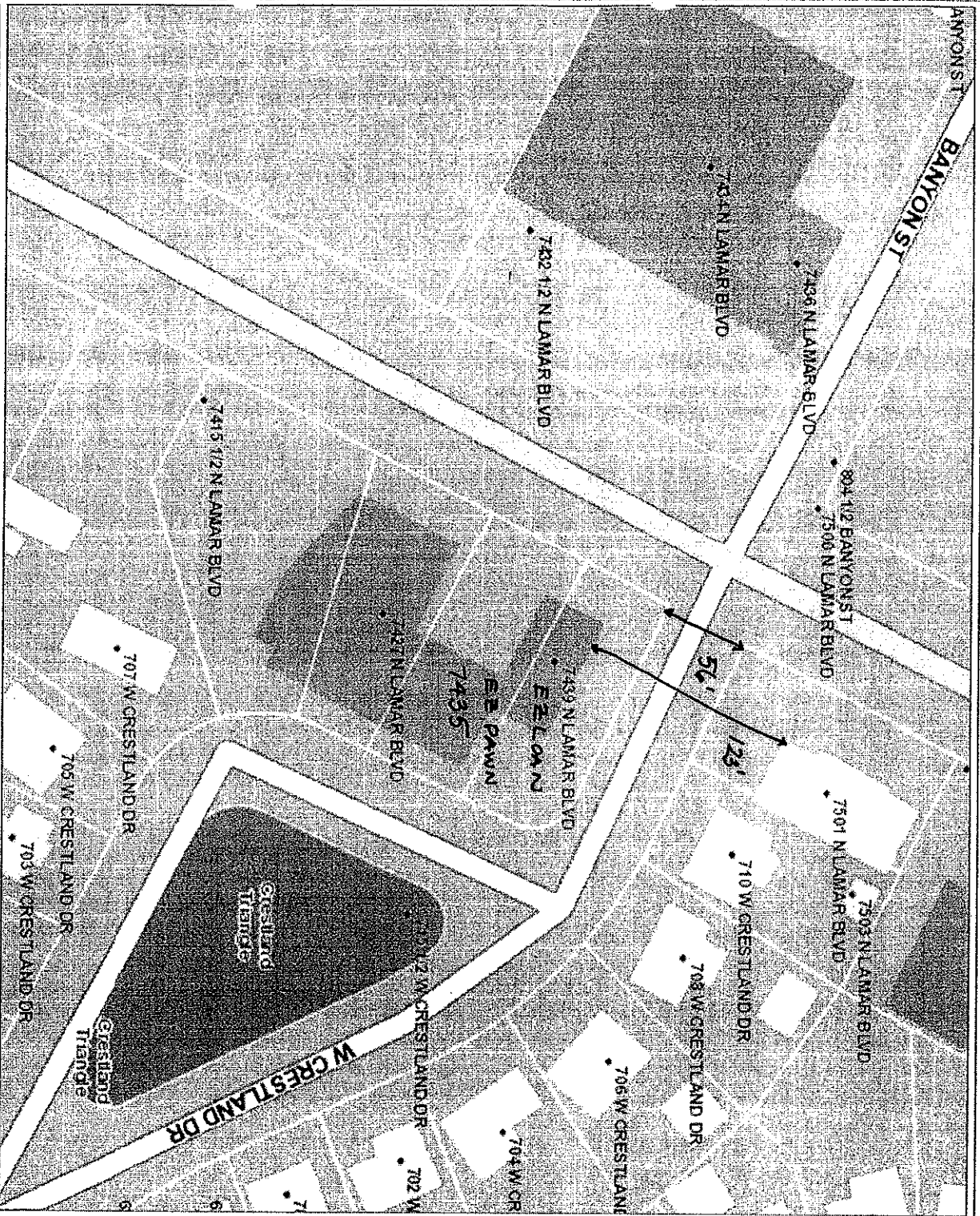
I hereby authorize Katherine Loayza and Jim Nias of Jackson Walker L.L.P. to submit an application to the Board of Adjustment on behalf of Texas Loan Brokers I, LLC d/b/a Texas Title Loans for the requested B.O.A. variances on my behalf, and to handle all matters related to said application.

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.*

Rondelle M. Hawkins

Rondelle Hawkins, Director

THIS CERTIFICATE MUST BE PROMINENTLY POSTED

Address: 7435 N. LAMAR Permit: 172455 Plat: 313
 Lot: 2 Block D Subdivision:
 NORTHWAY CREST
 Outlot - SUBDIVISION
 Fire Zone: 3 Use Dist. C-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	stud size & o.c. 2x4	Stairs	Exit lights
St. Yard REAR 25'	2x6 16	Rails	Fences
		Attic Vent.	Corridors
Type Const. III	W. Insulation	Insulation	
Spec. Permit #	Sheetrock	Hood Vent.	
BOA	Commercial Sheetrock	Glass	
	Occup. Sep. 14n-5	Deadbolts	
	Thru out	Fireplaces	
		DNE ROOM	

Owner: PETER W. JASIN Contractor: SUPERIOR

NO EXIT ON EAST 10' ON CROSSLAND.

CONSTRUCTORS
56x60-3360

BID 2005 JUNE 77

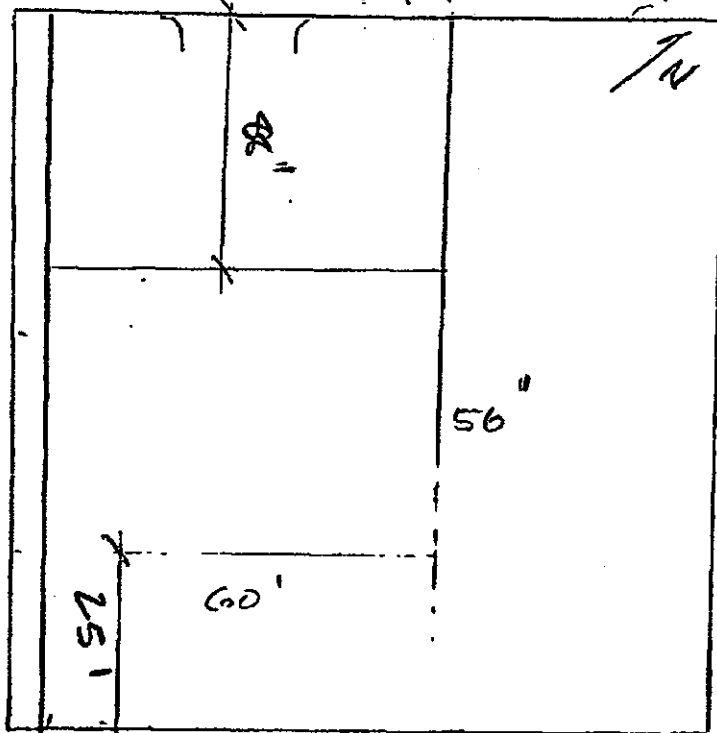


City of Austin

Clerk PST Date 4/24/78

Address: N. LAMAR BLVD.

N. LAMAR BLVD.



CROSSLAND

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 Structures			NO. OF FLXTURES 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 Sids 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.

NITHER 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 THIS 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

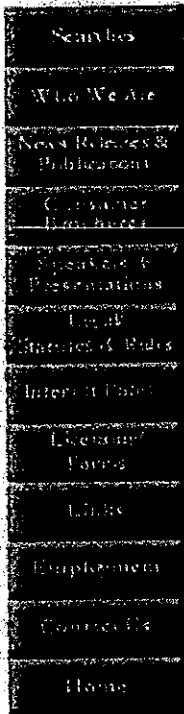


Consumer Helpline: (800) 333-1579



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

V-906070

COA Registration Number: _____

Date of Filing: July 10, 2013

State CAB License Number: 711-61995

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

Number & Street Name

City

TX

State

78752

Zip code

Mailing Address: Legal Dept. 1901 Capital Prwy Austin

Number & Street Name

City

TX

State

78746

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

Other Address _____

Person Responsible for Day-to-Day Operations

Keshia Dickens Area mgr.

(254) 702-3214

N/A

Name and Title

Business Phone

Fax Number

Other Address _____



STATE OF TEXAS

Office of

Consumer

Credit

Commissioner

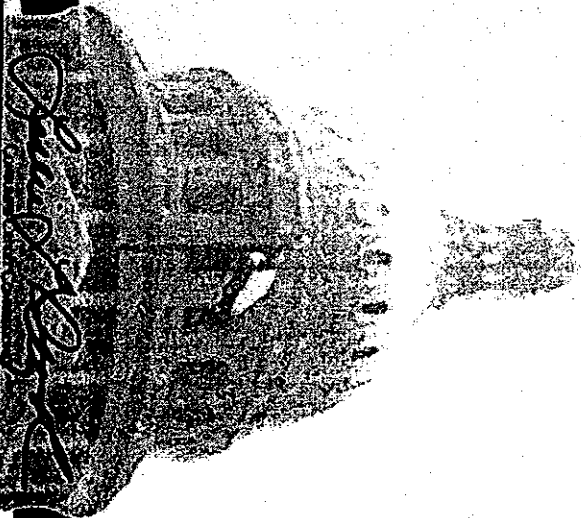
Credit Access Business License

License Number: 771-61995

Active

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) 638-1579



Address Change 05/16/2012

49326

1111001

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) 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.

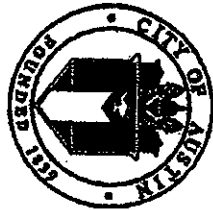
Signature: [Signature]

Title

Assistant Secretary

Date

7/1/13



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-2010-0897
Project Name:	E3 PAUN / E3 MONEY	
Legal Description:	Lot 1 BIKD Northway Crest Sec 2	
Zoning:	TD-NP	
Existing Land Use(s):	PAUN SALES	Watershed: Walter 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. E.C.	

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, 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 Azala, 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

Case Name:	Case Number:	Applicant Name:
E. Pawan	2018-0897	M. D. D. S.
E. Pawan	2018-0897	M. D. D. S.

Item	Reviewed	Reviewed Date	Comments
<input type="checkbox"/> Site Plan		3-12-12	<input type="checkbox"/> SPOC*

Alan

<input type="checkbox"/> Transport		<input type="checkbox"/> SPOC*
	3-12-12	

Alan

<input type="checkbox"/> Drainage		<input type="checkbox"/> SPOC*
	3.13.12	

<input type="checkbox"/> Envision			<input type="checkbox"/> SPOC*
		3/12/12	

John

[illegible]

SAWU	MDL	3-12-12	169
------	-----	---------	-----

Plumbing	N/A	MDL	3.12.12
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N/A	
<input type="checkbox"/> AB	

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



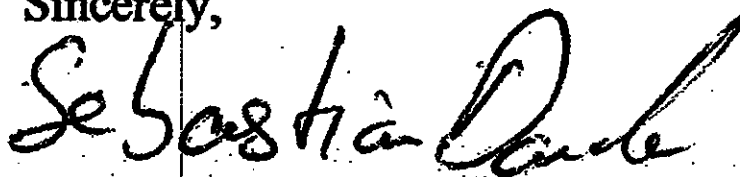
March 8th 2012

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,

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'.