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Section 13

FILED

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CIVIL

DISTRICT COURT

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO.: **DIVISION:**

JUST SAY NIX, LLC,
CARROLLTON RIVERBEND NEIGHBORHOOD ASSOCIATION,
CENTRAL CARROLLTON ASSOCIATION, LLC,
TOWN OF CARROLLTON WATCH, LLC, AND
HISTORIC N.O. NEIGHBORHOODS, LLC

VERSUS

CITY OF NEW ORLEANS, THROUGH ITS DEPARTMENT OF SAFETY AND PERMITS; TAMMIE T. JACKSON OR HER YET TO BE NAMED SUCCESSOR, NEW ORLEANS BOARD OF ZONING ADJUSTMENTS AND ROBERT D. RIVERS

FILED: _____ _____

DEPUTY CLERK

PETITION FOR WRIT OF CERTIORARI
AND
JUDICIAL REVIEW

NOW INTO COURT come petitioners, Carrollton Riverbend Neighborhood Association, Central Carrollton Association LLC, Town Of Carrollton Watch, LLC, and Historic N.O. Neighborhoods, LLC (hereinafter individually "Petitioner" and/or "Appellant" and collectively "Petitioners" and/or Appellants") appearing herein as appellants through the undersigned counsel, who respectfully represents the following:

1.

A. **JUST SAY NIX, LLC**, is a limited liability company organized under the laws of the State of Louisiana, with its principal offices in the City of New Orleans, Orleans Parish, Louisiana, with a mission to oppose the introduction of a medical marijuana retailer at 1407 South Carrollton Avenue, New Orleans, Louisiana which is in the immediate vicinity of schools, churches and residences and immediately adjacent to the Nix Memorial Library;

B. **CARROLLTON RIVERBEND NEIGHBORHOOD ASSOCIATION**, is a Louisiana non-profit corporation and neighborhood organization with its principal offices in the City of New Orleans, Orleans Parish, Louisiana, with a mission to improve and promote the quality of life within the Carrollton Riverbend area;

C. **CENTRAL CARROLLTON ASSOCIATION, LLC,** is a non-profit limited liability company organized under the laws of the State of Louisiana, with its principal offices in the City of New Orleans, Orleans Parish, Louisiana and a mission to improve the quality of life in the neighborhood it serves;

VERIFIED

Amber Sheeler

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D. **TOWN OF CARROLLTON WATCH, LLC** is a limited liability company and advocacy organization organized under the laws of the State of Louisiana, with its principal offices in the City of New Orleans, Orleans Parish, Louisiana, which monitors developers who commercial and suburbanize historic residential Carrollton; and

E. **HISTORIC N.O. NEIGHBORHOODS, LLC**, is a limited liability company organized under the laws of the State of Louisiana with its principal offices in the City of New Orleans, Orleans Parish, Louisiana, which advocates for the preservation of historic New Orleans neighborhoods and the rights or residents.

2.

Made Defendants herein are the following:

A. **CITY OF NEW ORLEANS ("CITY" and/or "CNO"),** a political subdivision of the State of Louisiana operating under its own Home Rule Charter, through its the Department of Safety and Permits with its principal offices in New Orleans City Hall at 1300 Perdido Street, New Orleans, Louisiana 70112;

B. **TAMMIE T. JACKSON ("JACKSON") OR HER YET TO BE NAMED SUCCESSOR**, a person of the full age of majority, in her/his official capacity as Director of the Department of Safety and Permits whose principal office is located at 1340 Poydras Street, 8th Floor, New Orleans, Louisiana 70112;

C. **NEW ORLEANS BOARD OF ZONING ADJUSTMENTS ("BZA")** an independent Board of the City of New Orleans established under the City of New Orleans' Home Rule Charter with its principal offices in New Orleans City Hall at 1300 Perdido Street, New Orleans, Louisiana 70112;

D. **ROBERT D. RIVERS ("RIVERS")**, a person of the full age of majority, in his official capacity as Executive Director of the New Orleans City Planning Commission, who also manages the New Orleans Board of Zoning Adjustments, whose principal office is located in New Orleans City Hall at 1300 Perdido Street, 7th Floor, New Orleans, Louisiana 70112;

3.

Jurisdiction is proper under Louisiana Code of Civil Procedure article 8.

4.

Venue in this court is proper according to Louisiana Revised Statute 13:5104.

FACTUAL BACKGROUND

5.

On or about February 12, 2025, the City's Department of Safety and Permits drafted, **but did not publicly issue/give notice of** it until October 9, 2025, that certain zoning verification letter identified on the City's LAMA permitting platform as **"Reference Code F7J3BE"** and **Case Number: 24-1348** (the **"Zoning Verification Letter 24-1348"**) in connection with City of New Orleans Non-Structural Commercial Renovation Permit No. 25-04201-RNVN (the "Building

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Permit") for the commercial property bearing municipal number 1407 South Carrollton Avenue, New Orleans, Louisiana 70118 (the "Subject Property").

6.

The Subject Property is currently owned by **CREDC Carrollton NOLA, LLC** (the "Owner"), which purportedly has leased said Subject Property to **H & W Drugstore 5, L.L.C.** doing business under the registered trade name of **"NOLA Cannabis Company Dispensary"** (the "Tenant"), which proposed to use the Subject Property as a "Medical Marijuana Pharmacy Dispensary" as indicated in the Zoning Verification Letter.

7.

On or about October 31, 2025, pursuant to the provisions of the Comprehensive Zoning Ordinance, Petitioners caused a Director's Decision Appeal to be filed with the BZA challenging the veracity of Director Tammie Jackson's February 12, 2025 Zoning Verification 24-1348 (the "Director's Decision Appeal"). Said Director's Decision Appeal was subsequently docketed by the BZA as BZA Docket No. 109-25 and set for a public hearing before the BZA's Board Members on Monday, December 8, 2025.

8.

On Monday, December 8, 2025, after hearing all interested parties on the matter during its regular monthly public hearing, the BZA denied Petitioners' appeal in BZA Docket No. 109-25. And upheld the decision made by the Director in Zoning Verification 24-1348 dated February 12, 2025, but disseminated to the public on October 9, 2025. *See* BZA Disposition Notice attached hereto as **Exhibit A**.

9.

It is this December 8, 2025 (filed into the BZA's Official Records on December 16, 2025) decision of the BZA to uphold the Director's February 2, 2025 Zoning Determination considered in BZA Docket No. 109-25 which Petitioners now seek a judicial review.

PRAYER

Considering the facts and law in this matter, Petitioners hereby timely bring this Petition and aver that this Honorable Court should reverse the New Orleans Board of Zoning Adjustment's December 8, 2025 (December 16, 2025 File Date) denial of Petitioners' Director's Decision Appeal considered in BZA Docket 109-25, and vacate Zoning Verification 24-1348 and nullify all

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ancillary approvals and permits issued by the City of New Orleans which relied on the Director's determinations in Zoning Verification 24-1348.

Respectfully submitted, this 15th day of January, 2026.

LAW OFFICE OF JUSTIN B. SCHMIDT, LLC

Justin B. Schmidt (LA Bar No. 25864)
1506 Seventh Street
New Orleans, LA 70115
Telephone: (504) 451-6567
Facsimile: (504) 370-9079
Email: justinschmidtlaw@gmail.com
Counsel for Just Say Nix, LLC, Carrollton Riverbend Neighborhood Association, Central Carrollton Association, LLC, Town of Carrollton Watch, LLC, and Historic N.O. Neighborhoods, LLC

PLEASE SERVE:

CITY OF NEW ORLEANS,
DIRECTOR OF SAFETY AND PERMITS,
NEW ORLEANS BOARD OF ZONING ADJUSTMENTS AND
ROBERT D. RIVERS
THROUGH THE CITY ATTORNEY
CHARLINE K. GIPSON
NEW ORLEANS CITY HALL
1300 PERDIDO STREET, ROOM 5E03
NEW ORLEANS, LA 70112

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DISTRICT COURT

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TOWN OF CARROLLTON WATCH, LLC, AND
HISTORIC N.O. NEIGHBORHOODS, LLC

VERSUS

CITY OF NEW ORLEANS, THROUGH ITS DEPARTMENT OF SAFETY AND PERMITS; TAMMIE T. JACKSON OR HER YET TO BE NAMED SUCCESSOR, NEW ORLEANS BOARD OF ZONING ADJUSTMENTS AND ROBERT D. RIVERS

FILED: _____ _____

DEPUTY CLERK

ORDER

Considering the foregoing Petition for Writ of Certiorari and Judicial Review:

IT IS HEREBY ORDERED THAT a return shall be made on the _____ day of _____, 2026, upon which date Defendants shall submit the full record relative to BZA Docket 109-25, including a transcript of the December 8, 2025 New Orleans Board of Zoning Adjustments meeting, and any and all documents or information upon which the New Orleans City Planning Commission and the Board of Zoning Adjustments acted in this matter.

IT IS FURTHER ORDERED THAT Petitioner shall submit her supporting brief to this Honorable Court and Defendant within _____ (_____) days of being served with the complete return of the record for BZA Docket 109-25, including the official video of the hearing transcript in the form of the official video of said December 8, 2025 hearing where the New Orleans Board of Zoning Adjustments denied Petitioners' Director's Decision Appeal.

IT IS FURTHER ORDERED THAT Defendant/Appellee shall submit its opposition to Petitioner's brief within _____ (_____) days of being served with Petitioner's supporting brief.

IT IS FURTHER ORDERED THAT Defendants/Appellees show cause on the _____ day of _____ 2026, why the relief that the Petitioner seeks herein should not be granted.

_____

JUDGE

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CIVIL
DISTRICT COURT

CITY OF NEW ORLEANS

BOARD OF ZONING ADJUSTMENTS

1300 PERDIDO STREET | ROOM 7W03 | NEW ORLEANS, LOUISIANA 70112

NOTICE: DISPOSITION OF ZONING CASE – BZA109-25

This Appeal Has Been **DENIED**

Property Location: 1407 S. Carrollton Avenue
Zoning District: HU-B1 Historic Urban Neighborhood Business District
Historic District: Carrollton
Existing Use: Medical Clinic
Proposed Use: Retail Goods Establishment
Applicant or Agent: Law Firm of Justin Schmidt

Whereas, the above appeal was heard by the Board of Zoning Adjustments at its public hearing of **Monday, December 8, 2025**; and

Whereas, the applicant appeared before the Board seeking relief from the Comprehensive Zoning Ordinance, No. 4264 M.C.S., as amended, as it applies to Article 4, Section 4.8 of the Comprehensive Zoning Ordinance, as indicated below:

Request: This is an appeal of the February 12, 2025 (publicly noticed on October 9, 2025), decision of the Director of the Department of Safety and Permits, regarding the determination of zoning verification no. 24-1348 that a medical marijuana pharmacy dispensary is permitted as a retail goods establishment in the HU-B1 Historic Urban Neighborhood Business District, alleging that the verification fails to cite specific reasons for the verifications per Article 4.9.B; the verification does not acknowledge that the proposed use requires a conditional use because it would provide 5,000 square feet of floor area or more; and that the "medical marijuana pharmacy dispensary" use is improperly classified as a retail goods establishment.

And Whereas, the Board carefully considered the facts and arguments for and against the application at the public hearing, and after considering the Comprehensive Zoning Ordinance, No. 4264 M.C.S., as amended, the Board is of the opinion that the weight of the evidence does not indicate an error in application of the law or a conflict in the law, in accordance with **Article 4, Section 4.8.A** of the Comprehensive Zoning Ordinance; therefore, a motion was made by **Todd James** and seconded by **Jaime Ramiro Diaz** to **DENY** the appeal and **UPHOLD** the decision made by the Director of the Department of Safety and Permits.

Voting for the Resolution:	Candice Forest, Todd James, José Alvarez, Jaime Ramiro Diaz, Alfonso Gonzalez, II
Voting Against the Resolution:	None
Abstaining from the Resolution:	None
Absent:	Tamara Agins, Jason Richards

Denied by the Board of Zoning Adjustments,

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12/16/2025
Board of Zoning Adjustments

V. J. for Candice Forrest

Candice Forest, Chair

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EXHIBIT A

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DISTRICT COURT

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

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VERSUS

CITY OF NEW ORLEANS, THROUGH ITS DEPARTMENT OF SAFETY AND PERMITS; TAMMIE T. JACKSON OR HER YET TO BE NAMED SUCCESSOR, NEW ORLEANS BOARD OF ZONING ADJUSTMENTS AND ROBERT D. RIVERS

FILED: _____ _____
DEPUTY CLERK

ORDER

Considering the foregoing Petition for Writ of Certiorari and Judicial Review:

IT IS HEREBY ORDERED THAT a return shall be made on the 20th day of MARCH, 2026, upon which date Defendants shall submit the full record relative to BZA Docket 109-25, including a transcript of the December 8, 2025 New Orleans Board of Zoning Adjustments meeting, and any and all documents or information upon which the New Orleans City Planning Commission and the Board of Zoning Adjustments acted in this matter.

IT IS FURTHER ORDERED THAT Petitioner shall submit her supporting brief to this Honorable Court and Defendant within Thirty (30) days of being served with the complete return of the record for BZA Docket 109-25, including the official video of the hearing transcript in the form of the official video of said December 8, 2025 hearing where the New Orleans Board of Zoning Adjustments denied Petitioners' Director's Decision Appeal.

IT IS FURTHER ORDERED THAT Defendant/Appellee shall submit its opposition to Petitioner's brief within fifteen (15) days of being served with Petitioner's supporting brief.

IT IS FURTHER ORDERED THAT Defendants/Appellees show cause on the 20th day of MAY 2026, why the relief that the Petitioner seeks herein should not be granted. 9:00 A.M.

FEB 03 2026

JUDGE
NADINE RAMSEY

FEB 03 2026

VERIFIED
2-9-2026

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