**BOARD OF ADJUSTMENT**
**Zoning Administration Division**
**Planning and Development Services Department (PDSD)**
**201 North Stone Avenue, Tucson, Arizona 85701**

***** NOTICE OF DECISION *****

DATE OF PUBLIC HEARING **July 24, 2019**

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J) & (K).

ACTIVITY NO. **T19SA00217**

CASE NO. THE APPELLANT

**C10-19-13 THE PRIME LEAF MEDICAL MARIJUANA DISPENSARY / FRANTI III HOLDINGS LLC / 1525 NORTH PARK AVENUE, C-2**

The appellant, Jesse R. Callahan on behalf of Rashad J. Stocker, is appealing the Zoning Administrator's Determination (ZAD) (T19SA00137), issued May 16, 2019 relating to the minimum setbacks (distance) required between the medical marijuana dispensary and a licensed residential substance abuse diagnostic and treatment facility or other residential drug or alcohol rehabilitation facility and a church. The Zoning Administrator (ZA) determined that the Drikung Dzogchen Center of Arizona does not meet the definition of religious use, and that COPE Community Services, Inc. does not constitute a residential abuse and treatment facility or other licensed drug or alcohol facility. The appellant contends that ZAD fails to uphold the provisions of the City of Tucson Ordinances 10850, 11199, 11346, and 11612 as they are written. UDC Sections applicable to this appeal include, in part, but are not limited to the following: Section 4.9.9.E which provides the use-specific standards for medical marijuana; Section 1.5.1 which provides for the ZA to interpret the provisions of the UDC; and Section 3.10.2 which provides for the Board of Adjustment to hear and decide on appeals made to the Zoning Administrator's decision. The appellant is requesting reversal of the May 16, 2019 Zoning Administrator's determination.

**DECISION: UPHOLD THE ZONING ADMINISTRATOR'S DETERMINATION**

**Sue Montes, Secretary**
**Board of Adjustment**

s: zoning administration/ba/decision/1913