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CITY OF SOUTH TUCSON · BOARD OF ADJUSTMENT

# BOA 25-01

*A Procedural Review Request*

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70-foot Verizon wireless variance · 2425 S. 10th Avenue

Approved 4-0 on February 25, 2026 · Across the alley from 344 W. 35th Street

**Bryan Sanders** · homeowner, 344 W. 35th Street · May 5, 2026

WHAT WAS APPROVED

# On February 25, 2026, the Board of Adjustment voted to approve

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**70 ft**

wireless facility height  
(65-ft pole + 5-ft palm canopy)

**4-0**

vote, no questions on the  
seven required findings

**35**

minutes total hearing length  
from open to adjournment

*Setback variance under § 24-21, citing § 24-387(b)(12). Across the alley from a residential block of one- and two-story houses.*

# Five procedural defects on the public record

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**A**

None of the seven required variance findings under § 24-21(c) were made on the record.

**B**

Notice was substantially incomplete — ~60% non-receipt among property owners reached.

**C**

Use authorization rests on a 1970s 'radio broadcasting' provision stretched to a cellular facility.

**D**

Pima County's signed determination places the parcel in a regulatory floodplain and erosion hazard area.

**E**

Seven wireless-related defined terms were quietly removed from § 24-1 during the relevant window.

*Procedural only. Not a federally-preempted RF or health challenge.*

# The seven required variance findings were not made

0 / 7

*findings addressed in 33:46 of audio*

§ 24-21(c) requires affirmative findings on:

- Special circumstances
- Not self-imposed hardship
- No grant of special privileges
- Physical lot conditions
- No detriment to public welfare
- No impairment of light, air, property values
- Minimum variance necessary

**47 U.S.C. § 332(c)(7)(B)(iii)** — any decision regarding a personal wireless facility must be “*in writing and supported by substantial evidence contained in a written record.*”

# Notice was substantially incomplete

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~60%

*of property owners reached reported no notice*

**Documented door-to-door by attorney Karen Karl**

Working from the City Planner's own list of property owners within the 300-foot radius. Of approximately ten she reached in person, approximately six reported they received no notice.

**Background representation:** the City Planner told the Board at hearing 16:05–16:42 that mailed notice went to “*every property owner*” within the 300-foot radius.

# A 1970s code clause stretched to a 2026 cellular tower

§ 24-387(b)(12)

*“radio broadcasting stations, towers and studios”*

— SB-2 enumeration of permitted uses, drafted before consumer cellular service existed in the U.S.

## BROADCASTING

**47 U.S.C. § 301 et seq.**  
**FCC Part 73**

AM/FM/TV broadcasters delivering one-to-many programming.

## PERSONAL WIRELESS

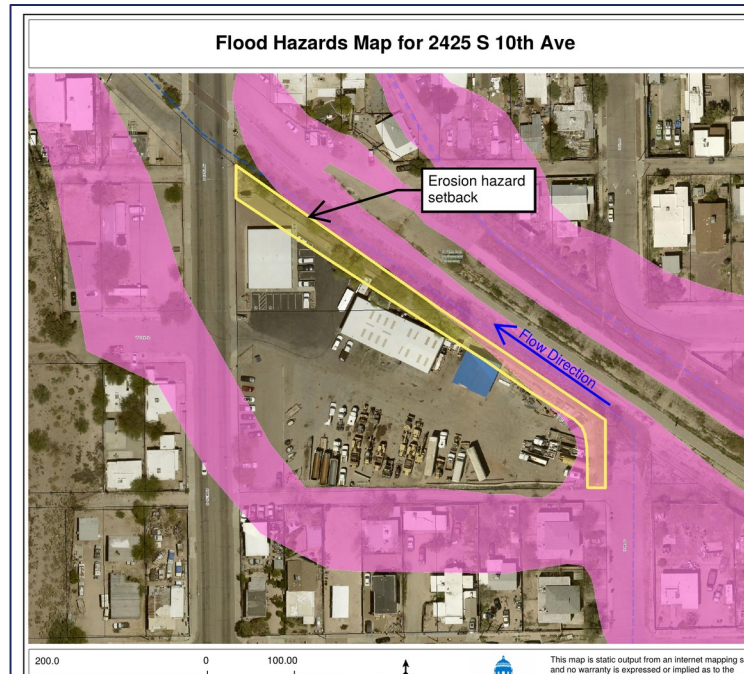
**47 U.S.C. § 332**  
**FCC Parts 22, 24, 27**

Two-way cellular and PCS services delivered to subscribers.

DEFECT D

# Pima County's signed floodplain determination — issued today

Source: Pima County RFCD · 090-Flood Hazards Map · 5/5/2026



## Local Floodplain on parcel

Special Study #107 · § 16.20.050

*"Avoidance of the local floodplain is required if feasible."*

## Erosion Hazard Area · 25-ft setback

§ 16.28.030 · wash directly north of the parcel

*"Structures are not allowed within the erosion hazard area without engineering justification."*

## What the Board was told

At hearing 30:08–30:31, applicant described the corridor as *"open space greenbelt."*

DEFECT E

# Seven wireless terms removed from § 24-1 in the relevant window

BEFORE — § 24-1 in Munipodes Aug 2025 archive

- Antenna
- Collocation
- Communication-commercial-wireless
- Communications
- Communications-facility-wireless
- Conceal
- Disguise

AFTER — § 24-1 on city site, April 2026

- Antenna *removed*
- Collocation *removed*
- ~~Communication-commercial-wireless~~ *removed*
- Communications *removed*
- ~~Communications-facility-wireless~~ *removed*
- Conceal *removed*
- Disguise *removed*

**§ 24-43** requires Planning Commission review and Council adoption with public hearing for any Chapter 24 amendment. The window of the change includes the BOA hearing date.

# What I'm asking the Council

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1

## Agendize procedural review

Of BOA 25-01 at the next Regular Meeting. Address the seven findings and the jurisdictional questions on the record.

2

## Coordinate with Pima County

Engage the Regional Flood Control District's Chief Engineer's office on Title 16 jurisdiction for this parcel and the adjacent wash corridor.

3

## Provide the procedural record

PRR of May 1 (42 items) seeks the notice list, mailings, and any Chapter 24 amendment ordinance and § 24-43 procedural compliance.

**Clock running:** 30-day Pima County Superior Court appeal window under A.R.S. § 9-462.06(K) from filing of the BoA's written decision.

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THANK YOU

# The documentary record is comprehensive.

*I am one homeowner. The pattern is what matters most.*

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## CONTACT

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## PARALLEL TRACKS

South Tucson Mayor & Council

Pima County Supervisor Heinz, District 2

Arizona federal delegation

Pima County Regional Flood Control District

*Full documentary record — hearing audio, PCRFCFCD determination, photographs, records request — available on request.*