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November 11, 2026

City of South Tucson
1601 South 6th Avenue
South Tucson, Arizona 85713

Via Email:

Mayor Roxanna Valenzuela, rvalenzuela@southtucsonaz.gov
Vice Mayor Melissa Brown-Dominguez, mbrown-dominguez@southtucsonaz.gov
Acting-Mayor Pablo Robles, pablo.robles@southtucsonaz.gov
Council Member Cesar Aguirre, caguirre@southtucsonaz.gov
Council Member Brian Flagg, bflagg@southtucsonaz.gov
Council Member Paul Diaz, paul.diaz@southtucsonaz.gov
Council Member Dulce Jimenez, dulce.jimenez@southtucsonaz.gov
City Attorney Michelle N. Stinson, michelle@piercecoleman.com

re: BOA 25-01 – Board of Adjustment's Unauthorized Approval of Wireless Communication Tower at 2425 South 10th Avenue

Dear Mayor Valenzuela and Councilmembers,

This firm represents a coalition of property owners in South Tucson who are significantly impacted by the actions of the City of South Tucson ("City") as described herein.

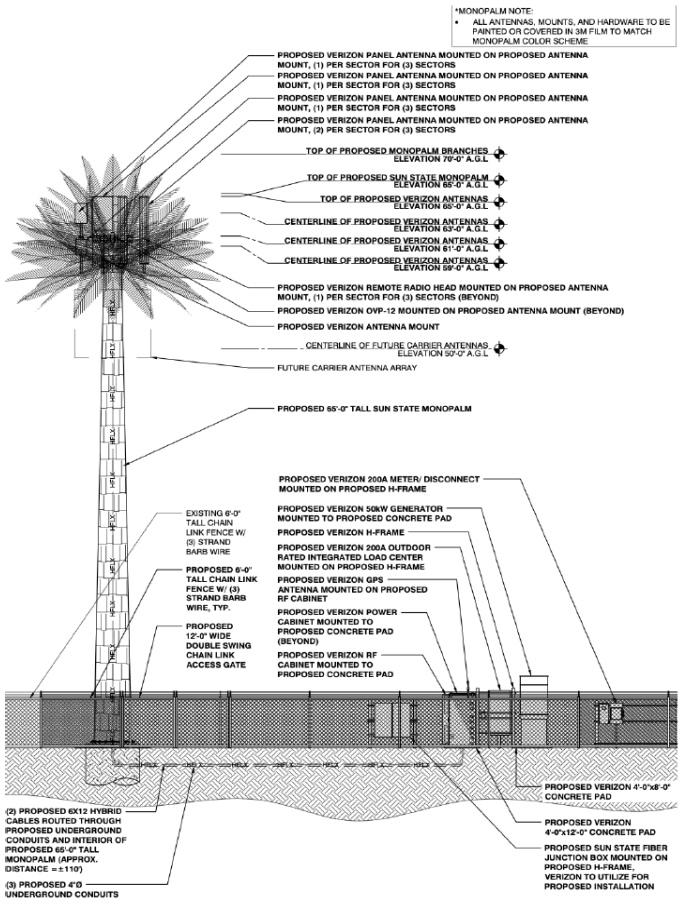
In sum: on or about September 17, 2026, the City issued a construction permit to a private company, Pinnacle Consulting ("Pinnacle"), to construct a 70-foot-high wireless communication facility tower ("Proposed Tower") at 2425 South 10th Avenue, in South Tucson ("Permit"). The Permit was based on a decision taken by the City's Board of Adjustment ("Board") on February 25, 2026 approving Pinnacle's application for a zoning use variance. Because the Board's decision was *ultra vires* and unlawful (*see* below), the Permit is invalid.

The City is requested to direct the appropriate City officials to immediately suspend all construction authorized by the Permit, and to revoke the Permit, on the grounds that the Board's underlying approval was unlawful and exceeded its statutory authority.

BACKGROUND

a. Application for a conditional use permit

On December 11, 2025, Pinnacle, on behalf of Verizon Wireless, submitted an application form ("Application") to the City and Board requesting approval for a 70-foot "New Wireless Communication Facility" on the premises of 2425 S 10th Avenue, South Tucson, Arizona 85713. *See* Exh. A. The Application states (correctly) that "[t]he property is zoned SB-2 and the zoning code doesn't allow a cell tower as a standalone use."



The Proposed Tower would consist of a 65-foot steel monopole and "palm fronds" that bring the total height to 70-feet. The Proposed Tower stands in stark

contrast to the surrounding neighborhood of predominantly single-story residential homes occupied by neighbors who have called South Tucson home for decades.

b. The Board's February 25, 2026 agenda and meeting

The Board purportedly[1] published a regular session agenda ("Agenda") prior to its February 25, 2026 meeting. The Agenda included only one item:

> PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING A VARIANCE TO ERECT A NEW WIRELESS COMMUNICATION FACILITY (TOWER) AS REQUIRED BY CITY CODE 24-387(12) FOR PROPERTY LOCATED AT 2425 S 10TH AVENUE / PARCEL 118242280, CASE NUMBER BOA 25-01.

The Board also purportedly published a public hearing notice ("Notice") for the meeting, which states the Board will be considering a "proposal for a variance."

Neither the Agenda nor the Notice refer to any details of the Proposed Tower, including the fact that it would be a standalone structure and that it will have a height of 70 feet.

In a Staff Report to the Board dated February 25, 2026, Planning Director Josue Licea, without giving any reasons, "recommend[ed] approval of the request to locate a cellular communications tower at this location." *See* Exh. B. The Report does not state whether and how notice was given to the community but stated that zero responses regarding the Proposed Tower had been received.

At the end of the approximately 33-minute-long meeting, the Board voted 4-0 to approve Pinnacle's Application, without giving any reasons.

c. March 4, 2026 Decision Letter

On March 4, 2026, the City Zoning Administrator Greg Hitt issued a Decision Letter stating that "a request by Pinnacle Consulting to locate a new 70-foot multi-tenant wireless communications tower" was approved by the Board. The letter notified Pinnacle Consulting that it could now submit for construction permits.

[1] At least one property owner will testify that they checked the City's website on February 24 and saw no agenda published for the Board's meeting.

This letter was first made publicly available on the City's website on April 8, 2026.

d. September 17, 2026 issuance of construction permit

According to the City's Attorney, on September 17, 2026, after payment was received, pursuant to the Board's February 25, 2026 approval, the City issued the Permit (#866) to Pinnacle. *See* Exh. C.

REASONS THE PERMIT IS INVALID

The Board's purported February 25, 2026 approval of the Proposed Tower was without jurisdiction because Pinnacle applied for a change in use; it was also in violation of the Open Meetings Law, A.R.S. § 38-431 *et seq.* ("OML"), and the City's Zoning Code for lack of proper notice, and was simply illegal. Consequently, the Permit issued to Pinnacle was void and had no legal effect.

a. The Board of Adjustment had no authority to approve a use permit for the Proposed Tower

A board of adjustment may not "[m]ake any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance…." A.R.S. § 9-462.06(H)(1). (Emphases added unless otherwise noted.)

A board of adjustment's "authority to modify zoning decisions is statutorily limited." *Pawn 1st, LLC v. City of Phoenix*, 242 Ariz. 547, 551, ¶11 (2017). Any approval by a board of adjustment "in excess of its statutory authority is *ultra vires* and invalid as a matter of law." *Id*. at 551-552, ¶11.

"Arizona law distinguishes area variances from use variances." *Pawn 1st, supra,* at ¶14. "An area variance relieves the duty to comply with a zoning ordinance's technical requirements, such as setback line, frontage requirements, height limitations, lot size restrictions, density regulations and yard requirements, while a use variance permits a use not expressly allowed by a zoning ordinance." *Id.* (internal citations omitted).

"An area variance requires a showing of 'peculiar and exceptional practical difficulties,' while a use variance requires a showing of 'exceptional and undue hardship.'" *Id.* at ¶15.

It is well established that boards of adjustment have no authority to grant "use variances." "The Arizona Legislature prohibits boards of adjustment from

changing the 'uses permitted,' thus confining their authority only to area variances." *Pawn 1st* at ¶14, citing § 9-462.06(H)(1), *supra.*

Under the City's Zoning Code, sec. 24-21, the City's Board of Adjustment "may not grant variances from the provisions of this chapter governing the use of land," and only has authority to "hear and decide, grant or deny appeals for variances" (and only then subject to specific required findings).

Here, the property at issue is zoned SB-2. Pursuant to the City's Zoning Code, sec. 24-387, "no building, structures or land [in SB-2] shall be used ... for any other than one (1) or more of the purposes specified in this section." One of those "uses" is "public utility uses such as commercial radio or wireless facilities." Sec. 24-387(b)(12). However, such a use is only allowed if the "proposed commercial wireless communication antennas" are "mounted on the wall or roof of a building" (and one of two other requirements is met, not relevant here). *See* sec. 24-387(b)(12)(a).

In other words, a "standalone" cell tower is not a permitted use in SB-2.

This is exactly what Pinnacle noted in its Application (Exh. A): "[t]he property is zoned SB-2 and the zoning code doesn't allow a cell tower as a standalone use."

In other words, Pinnacle was applying for a change in the use of the property.

The City's attorney, Pierce Coleman through Mr. Jon Paladini, confirmed on at least two occasions that what Pinnacle sought was a change in "use" (a "use permit"). At the Board's February 25, 2026 meeting, he advised, "this is a land use decision to determine whether or not this tower complies, this proposed tower, complies with the City Zoning Code." At p. 9.

Again, at the City Council meeting on May 5, 2026, Mr. Paladini advised the Council, "this was not a setback variance, it was a use permit approval. All cell towers in that zoning require a use permit, so the factors to obtain a variance don't apply. It's a use permit application, use permit approval process." At p. 11. When Mayor Valenzuela asked for further clarification: "I just have a couple questions, Mr. Paladini. You mentioned this was not an application for variance and that it was for a use permit," (at p. 14), Mr. Paladini responded, "Correct." The Mayor then stated, "That's how it was posted, ok." Mr. Paladini responded, "Yes."

Even after the City Council directed an internal investigation into whether City staff had complied with public notice requirements before the Board's meeting, staff stated that the "applicable policy and law" were the sections (sec. 24-126 and -127) of the Zoning Code that govern "applications for conditional uses." *See* Findings Report dated June 23, 2026, p. 2.

It is indisputable that Pinnacle's Application was for a conditional use permit, and not a variance.

Because Pinnacle's Application was for a use permit and not for a variance, the Board of Adjustment had no authority at its meeting on February 25, 2026 to approve Pinnacle's Application.[2]

Because the Board lacked authority to approve the Application, its purported approval of the Application was *ultra vires* and invalid as a matter of law." *Pawn 1st, supra,* at ¶11.

Consequently, the Permit issued to Pinnacle by City officials is also invalid as a matter of law because it is dependent on a valid approval of Pinnacle's Application.[3]

b. The Board's February 25, 2026 meeting was held in violation of OML

Arizona's Open Meetings Law mandates that public bodies must give notice of public meetings, including an agenda of the "specific matters to be discussed, considered or decided at the meeting," at least 24 hours before the meeting. A.R.S. § 38-431.02(A)(l), (G)-(H).

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[2] Staff's claim that sec. 24-387 allows or even requires a conditional use application to go to the Board (Findings Report dated June 23, 2026, p. 2) contradicts A.R.S. § § 9-462.06(H)(1) and Supreme Court case law, including *Pawn 1st*, *supra.*

[3] Given that Pinnacle's Application was for a conditional use permit, the procedures set out in sec. 24-126 of the Zoning Code should have been followed, including the right for the community to submit comments prior to a decision (24-128); the obligation on the director to make required findings (24-129(a)); the right to appeal to the Board of Adjustment (24-130); and the right to appeal the Board's decision to superior court (24-131). No argument is waived that, to the extent the Code gives the planning director authority to approve conditional use applications (sec. 24-128) as opposed to such decisions vesting in the City Council, such authority contravenes and is subordinate to state statute and Supreme Court case law.

The notice and agenda must "contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided." *Id*. § 38-431.09(A). A notice and agenda for a public meeting must convey sufficient information for the public to "discover and investigate further the background or specific facts of the decision." *Karol v. Bd. of Educ. Trs.*, 122 Ariz. 95, 98 (1979).

The OML is designed "to open the conduct of the business of government to the scrutiny of the public and to ban decision-making in secret." *Welch v. Cochise Cty. Bd. of Supervisors*, 251 Ariz. 519, 526, ¶25 (2021) (citation omitted).

"Any legal action transacted by a public body in violation of the open-meeting law is null and void by default." *Id*. at ¶34.

Here, the Agenda and Notice lacked sufficient information and specificity, were misleading to the public, and failed to comply with the OML. Any "misleading element inherent in the notice given" for a public meeting violates the OML. *Thurston v. City of Phoenix*, 157 Ariz. 343, 345 (App. 1988); *Carefree Improvement Ass'n v. Scottsdale*, 133 Ariz. 106, 112 (App. 1982).

First, both the Agenda and Notice referred to the proposed approval as a "variance," not a "use permit." This was a false statement. As described above, these two concepts are legally distinct and not interchangeable. "A use variance ... requires a more stringent showing that compliance with the zoning regulations precludes any reasonable use of the property." *Pawn 1st,* at ¶16. A notice that claims a less stringent deviation from the zoning code is being sought (i.e., a "variance") is not only misleading but false and violates the OML.

Second, the Arizona Supreme Court has found that use permits, unlike variances, "fundamentally alter the neighborhood." The Proposed Tower is a standalone steel structure (not permitted by the Zoning Code) and will have a height of 70-feet (also not permitted by the Zoning Code), which will fundamentally alter the neighborhood, yet the City failed to provide this information to the public and deprived them of the statutory right to receive notice.

Third, at least one property owner who was entitled to notice checked the City's website 24 hours before the Board's meeting on February 25, 2026, and will testify that she did not see any agenda posted for the Board's meeting. Thus, the City failed to notice the Board meeting twenty-four (24) hours in advance as required by A.R.S. § 38-431.02(C).

c. The Board's February 25, 2026 meeting was held in violation of the City's Zoning Code

Even if the Board was authorized to review and approve Pinnacle's Application for a conditional use permit (which it was not), the Board failed to comply with the Zoning Code's notice requirements because homeowners within 300 feet were not notified and the published notice did not contain a description of the "proposed conditional use."

For hearings related to "conditional use permits," upon receipt of an application, the planning director must notify at least "[a]ll owners of land lying within three hundred (300) feet of the boundaries of the land subject to the application." Sec. 24-128(1)(a)(1). The notice must contain "a description of the proposed conditional use and its location," and a place and time by which comments on the proposed use must be filed." Moreover, sec. 24-78 mandates notice of publication in a newspaper of general circulation within the city "not less than fifteen (15) days prior to the date of the hearing."

Here, the director recognized that he was subject to these requirements. *See* Findings Report dated June 23, 2026, p. 2.

The director did not comply with these requirements.

First, for the Board's February 25, 2026 hearing, publication would have been required by no later than February 10, 2026. Here, publication in the Daily Territorial newspaper did not occur until February 11, 2026. *See* Exh. D, Affidavit of Publication. This is a blatant violation of the Board's notice requirements under sec. 24-78.

Second, at least one neighbor who owns property within 300 feet did not receive any notice – no notice of a deadline to submit comments to the planning director prior to his decision, and no notice that the planning director had made a decision. The Board's records are devoid of any proof of mailing to these homeowners. In the absence of any such notice or any such decision (the planning director made no decision here), such neighbors (within 300 feet) had no opportunity to exercise their rights under sec. 24-130 and appeal to the Board. Staff simply did not follow any of these procedures.

Third, the notice that was published (under sec. 24-78 and the OML) did not contain a description of the proposed conditional use. Neither notice mentions that a special use permit was being applied for (both said "variance") and neither mentioned that the Proposed Tower will be a standalone tower nor that it will be 70 feet high.

d. <u>The Board's decision is illegal</u>

In addition to the numerous jurisdictional and procedural defects laid out above, the Board's action on February 25, 2026 was simply illegal.

First, the Board approved a 70-foot tower. The Zoning Code prohibits cell towers over 50 feet. *See* sec. 24-387(b)(12)(f). It appears that neither the Board nor City staff knew that the Zoning Code was amended in 2006 (06-09) to include this height restriction. The tower also violates other Code provisions, including the requirement for a set back minimum of two times its height and separation of one mile from any existing tower. *See* sec. 24-387(b)(12)(e) and sec. 24-529(a)(6).

Second, the Board failed to make a single finding required by sec. 24-21. The Board "may grant a variance only if it finds" enumerated factors, including that "special circumstances" exist such that "strict enforcement" of the Code "will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;" and that the "granting of the variance will not be detrimental to the public welfare nor injurious to other property or improvements in the neighborhood in which the property is located;" and that the proposed variance will not "substantially diminish or impair property values within the neighborhood." *See* sec. 24-21(c).

The Board's February 25, 2026 action is illegal for all the above reasons, and cannot be upheld.

CONCLUSION

For the foregoing reasons, the Board decision was *ultra vires*, unlawful and invalid. The Permit is thus also invalid. The City must direct the appropriate City officials to immediately suspend all construction authorized by the Permit, and to revoke the Permit, on the grounds that the Board's underlying approval was unlawful and exceeded its statutory authority.

Unless the City takes appropriate action by November 18, 2026, the coalition is prepared to file suit in Pima County Superior Court.

Regards,

<u>/s/ Adriane Hofmeyr</u>
Adriane J. Hofmeyr

<u>/s/ Rui Wang</u>
Rui Wang

Cc:

City Manager/Clerk Veronica Moreno, vmoreno@southtucsonaz.gov
Planning Director Josué Licea, jlicea@southtucsonaz.gov
Scott Quinn, Pinnacle Consulting, Scott.Quinn@pinnacleco.net
Steven Haws, Magnum Paving, steve@magnumpaving.com

EXHIBIT A

APPLICATION TO BOARD OF ADJUSTMENT
City of South Tucson

Application filed on 12/11/25 Case No. BOA 25-01 Map No. N/A

Fee $175.00 Receipt No. 1.000134006.

This application is filed with the Board of Adjustment for the reason that Section:

__24-387(12)_____ of the South Tucson Zoning Code, City Code Chapter 24.

Accepted by Josue Licea

(DO NOT WRITE ABOVE THIS LINE)

Premises in Question

Owner of Property HAWESOME PROPERTIES LLC Phone: (520) 623-1144

Mailing Address of owner of premises: PO BOX 50562 TUCSON AZ 85703

Address of premises 2425 S 10TH AVE., SOUTH TUCSON, AZ 85713

Present Zone SB-2 Lot Size 1.7386 Acres

LEGAL DESCRIPTION: Lot_____ Block 34 Subdivision_____

(Or attach separate sheet) HOME N2 OF BL INC ABAND 34TH ST BLK 34

Present Use Commercial Paving yard

Present Improvements on Parcel Commercial Office & Maintenance Building

CHANGES REQUESTED New Multi Tenant Wireless Communication Facility with Stealth MonoPalm (65' top of steel, 70' top of branches)

Has a previous case been filed before the Board of Adjustment in connection with these premises?
(✓) No ( ) Yes If so, state case number, decision, and date:

IMPORTANT: Two copies of a Plot Plan must be attached. This should show all existing structures drawn to scale, as well as any proposed structures, and all structures on adjacent properties within 50 feet of lot lines. Label streets, alleys, drives, and show location of off-street parking.

(I) (We) believe the board should approve this request because: (Give reason for the request in your own words - grounds for appeal or application with respect to law and fact. If a variance is desired state specific hardship claimed. Use separate sheet if more space is needed.)

See attached

I hereby certify that all aforesaid statements, and the statements contained in any attachments or plans submitted herewith are true to the best of my knowledge and belief. In the event applicant is NOT the property owner, he/she certifies that he/she was authorized to file this request by the owner.

Scott Hopper
Signature

Name Pinnacle Consulting (Scott Hopper)
(Please print or type)

1426 N Marvin St, Gilbert, AZ 85233
Mailing Address Zip

(602) 743-9439
Telephone

Pinnacle Consulting on behalf of Verizon Wireless is requesting the Boards approval for a New Wireless Communication Facility (WCF), needed to provide capacity relief from Verizon's existing WCF in and near the City of South Tucson, due to users in this area are demanding higher data rates for services. Verizon's measurements show a low throughput per user and the existing Verizon neighboring WCF are alarming/alerting that they are running out of capacity.

- **The Federal Telecommunications Act of 1996 (TCA) requires local governments to grant permit requests that fill a significant gap in wireless service coverage**.Under the FCC Order, an applicant need not prove it has a significant gap in coverage; it may demonstrate the need for a new wireless facility in terms of adding capacity, updating to new technologies, and/or maintaining high quality service.
- **Denial of this request:** would continue the reliance on existing facilities. As technology and usage increases, as is the trend, Emergency services and customers utilizing Verizon Wireless will experience slower connections and more dropped calls as more devices are connecting to the limited number of existing facilities.
- **Variance:** The property is zoned SB-2 and the zoning code doesn't allow a cell tower as a standalone use. It would be considered a public utility use and requires Board of Adjustment approval, height would be restricted to under 80'.
- **Compatibility with surroundings:** Site will be disguised as a 70' MonoPlam that is compatible with the surrounding neighborhood and designed for an additional carrier.
- **Promoting public welfare:** Granting the request is in the public interest because it will improve wireless communication, which is considered essential for public safety and emergency services.

Zoning Document

Site Name: AZ02-167 Ghost

6409 Eligible Facility Request: N/A

Application Filing Date: 10/24/25

150 days to shotclock deadline: 3/23/26

NOI Issuance Due Date: 11/24/25

Due 30 days from application filing date. (Note: If we get an NOI (notice of incomplete) the shot clock stops until we submit the additional application materials listed in the NOI) If we don't get an NOI, the shot clock continues to run.

NOI Response Date:

This is the date the shot clock starts up again when we respond to an NOI.

Jurisdiction and Contact: Josue Licea 520-223-8223 jlicea@southtucson.org

Notes:

EXHIBIT B

STAFF REPORT

TO: **Board of Adjustment Members**

FROM: **Josue Licea, Planning Director**

DATE: **February 25, 2026**

RE: **Board of Adjustment Case BOA 25-01**

Hawesome Properties LLC, property owner for parcels 118-24-1200 and 118-24-2280, 2425 S. 10th Avenue, located within the HOME ADDITION Subdivision, is represented by Scott Hopper of Pinnacle Consulting, requesting to locate a multi-tenant wireless communications tower on the property.

Section 24-387(b)(12) of the City of South Tucson Zoning Code, requires utility uses such as radio broadcasting stations, towers and studios when authorized by the board of adjustment and under such conditions and with such safeguards as the board of adjustment may deem proper and adequate for the appropriate development of adjoining areas in each case.

The property is approximately 2.19 acres or 95,222 square feet in size and is developed as a contractor's yard for Magnum Paving. This request, as shown in the plans, intends to locate and construct multi-tenant wireless communications tower on the property. The tower will be a stealth monopole, 65-feet in height. The tower will be constructed to resemble a palm tree, with to overall height at 70-feet to the top of the branches.

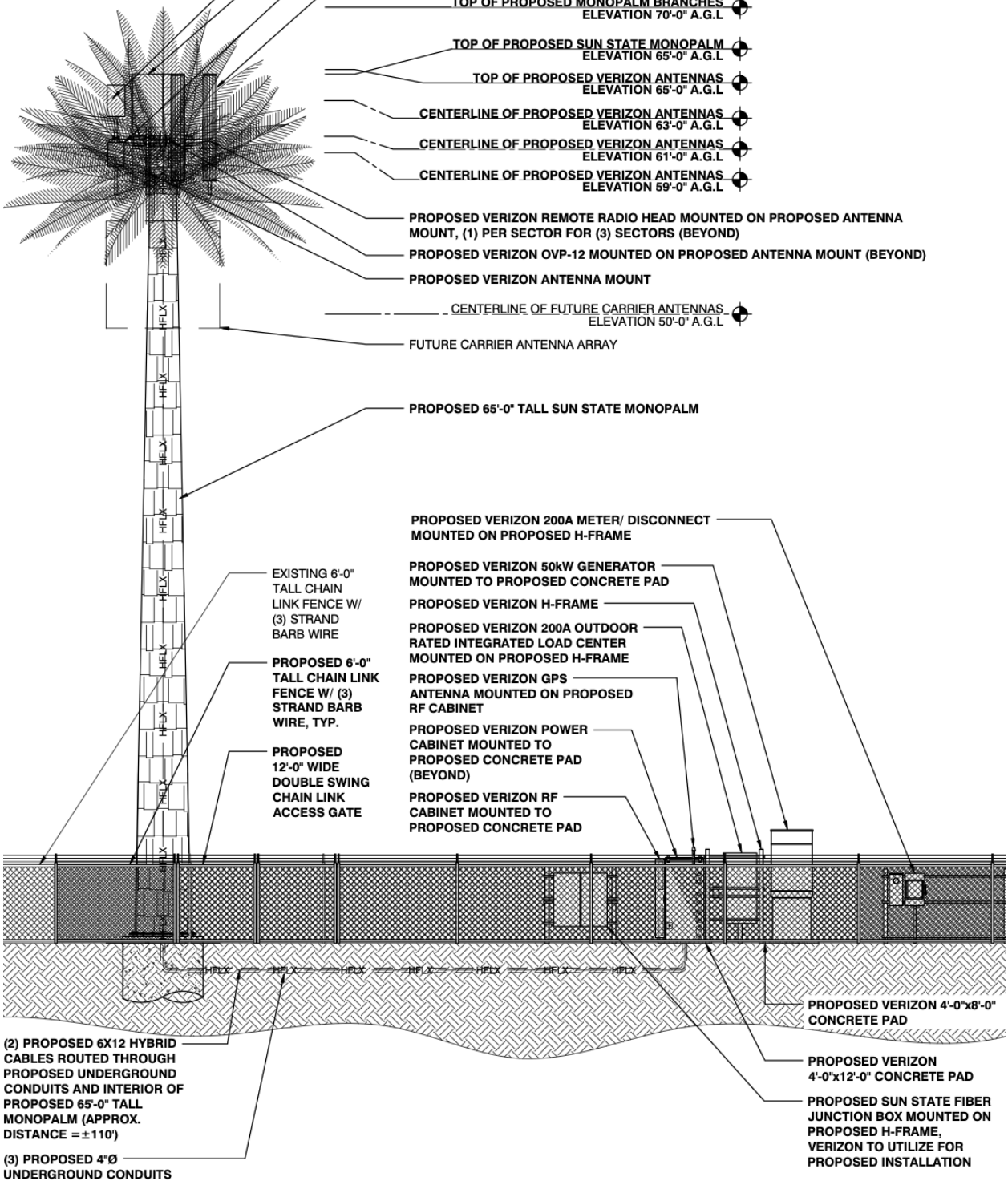
The applicant has leased a portion of the Hawesome Properties, property. The lease area includes access from 10th Ave. to the area that will house the tower and associated equipment. The tower and equipment will be located at the far eastern portion of the property, adjacent to the El Paso Southwestern Greenway and the terminus of 9th Ave., at the Greenway.

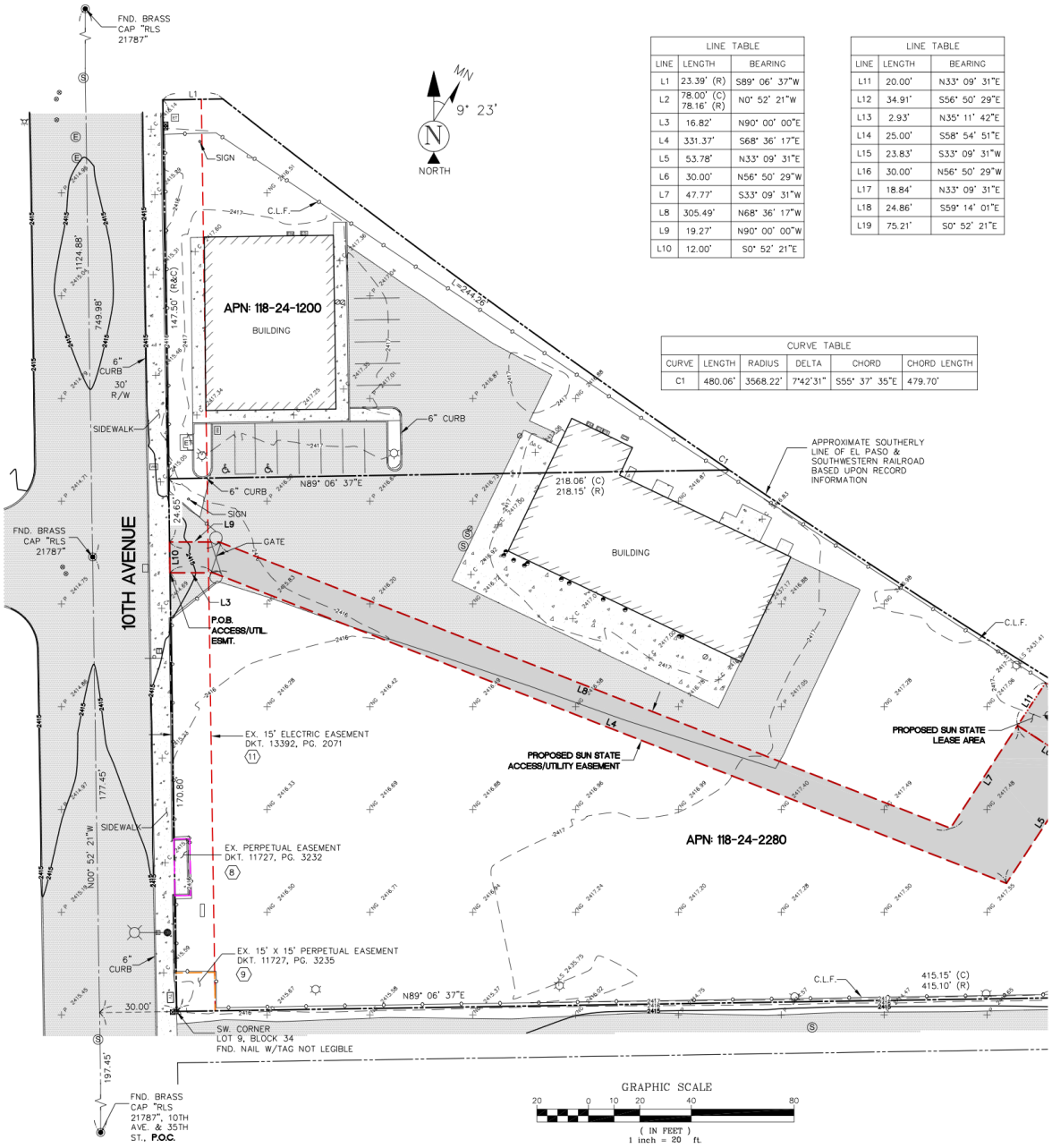
The property is zoned SB-2, Business District. The SB-2 zone allows for telephone and communication facilities and equipment as an allowed use. The maximum height in the SB-2 zone is 75-feet.

Staff received zero (0) written responses in favor, zero (0) written responses opposing the request and one (0) telephonic inquiries on the nature of this notice.

Staff recommends approval of the request to locate a cellular communications tower at this location.

*MONOPALM NOTE:
- ALL ANTENNAS, MOUNTS, AND HARDWARE TO BE PAINTED OR COVERED IN 3M FILM TO MATCH MONOPALM COLOR SCHEME




FND. BRASS CAP "RLS 21787"
MN
9° 23'
N
NORTH
LINE TABLE
LINE | LENGTH | BEARING
L1 | 23.39' (R) | S89° 06' 37"W
L2 | 78.00' (C) 78.16' (R) | N0° 52' 21"W
L3 | 16.82' | N90° 00' 00"E
L4 | 331.37' | S68° 36' 17"E
L5 | 53.78' | N33° 09' 31"E
L6 | 30.00' | N56° 50' 29"W
L7 | 47.77' | S33° 09' 31"W
L8 | 305.49' | N68° 36' 17"W
L9 | 19.27' | N90° 00' 00"W
L10 | 12.00' | S0° 52' 21"E
LINE TABLE
LINE | LENGTH | BEARING
L11 | 20.00' | N33° 09' 31"E
L12 | 34.91' | S56° 50' 29"E
L13 | 2.93' | N35° 11' 42"E
L14 | 25.00' | S58° 54' 51"E
L15 | 23.83' | S33° 09' 31"W
L16 | 30.00' | N56° 50' 29"W
L17 | 18.84' | N33° 09' 31"E
L18 | 24.86' | S59° 14' 01"E
L19 | 75.21' | S0° 52' 21"E
CURVE TABLE
CURVE | LENGTH | RADIUS | DELTA | CHORD | CHORD LENGTH
C1 | 480.06' | 3568.22' | 7°42'31" | S55° 37' 35"E | 479.70'
L=244.26'
APN: 118-24-1200
BUILDING
SIGN
C.L.F.
147.50' (R&C)
1124.88'
749.98'
6" CURB
30' R/W
SIDEWALK
6" CURB
N89° 06' 37"E
218.06' (C)
218.15' (R)
APPROXIMATE SOUTHERLY LINE OF EL PASO & SOUTHWESTERN RAILROAD BASED UPON RECORD INFORMATION
BUILDING
FND. BRASS CAP "RLS 21787"
10TH AVENUE
24.65'
SIGN
L9
GATE
L10
L3
P.O.B. ACCESS/UTIL. ESMT.
L8
L4
PROPOSED SUN STATE ACCESS/UTILITY EASEMENT
PROPOSED SUN STATE LEASE AREA
L1
L7
L5
EX. 15' ELECTRIC EASEMENT DKT. 13392, PG. 2071
11
170.80'
177.45'
SIDEWALK
N00° 52' 21"W
EX. PERPETUAL EASEMENT DKT. 11727, PG. 3232
8
APN: 118-24-2280
6" CURB
EX. 15' X 15' PERPETUAL EASEMENT DKT. 11727, PG. 3235
9
30.00'
N89° 06' 37"E
C.L.F.
415.15' (C)
415.10' (R)
SW. CORNER LOT 9, BLOCK 34 FND. NAIL W/TAG NOT LEGIBLE
197.45'
FND. BRASS CAP "RLS 21787", 10TH AVE. & 35TH ST., P.O.C.
GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

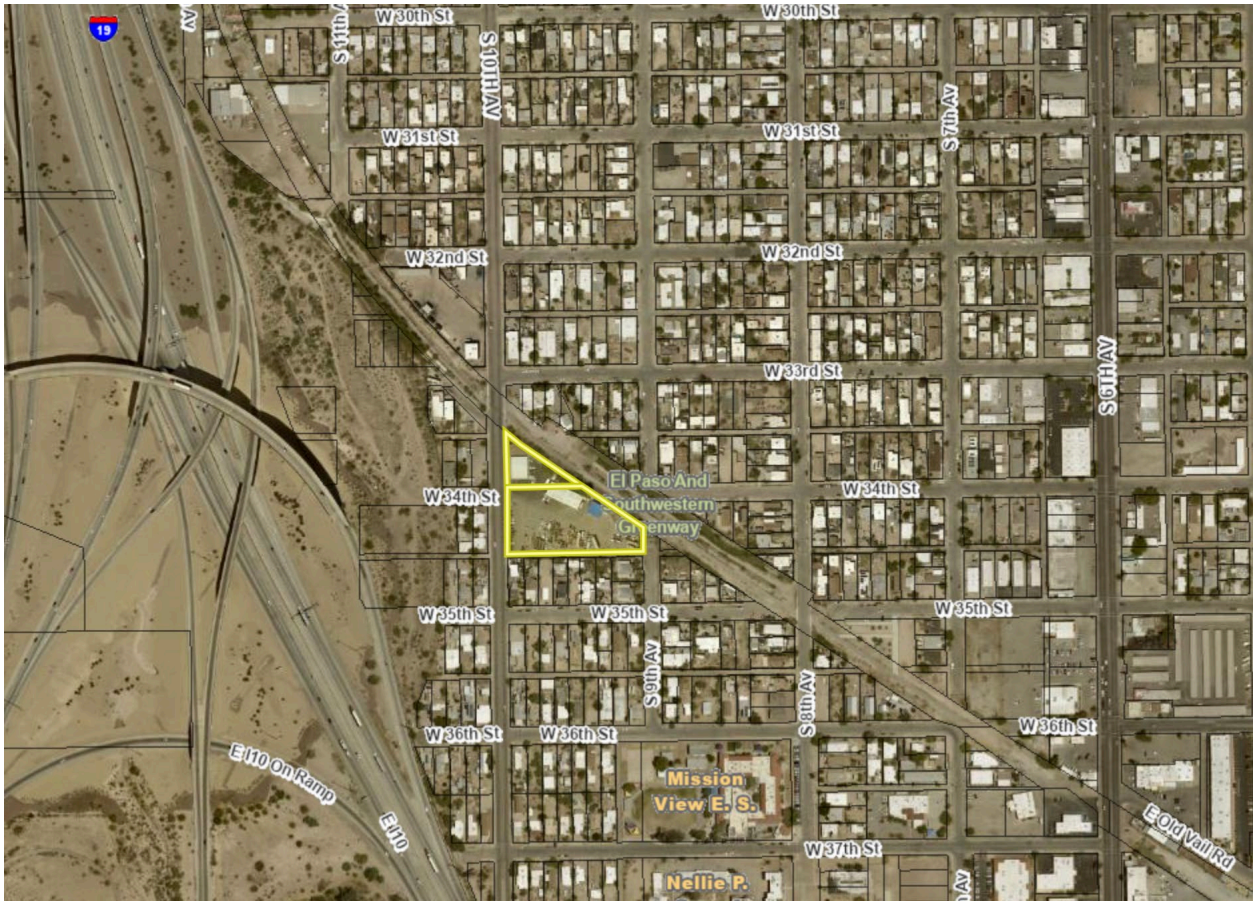

19
W 30th St
S 10TH AV
W 31st St
W 32nd St
W 33rd St
S 7th Av
S 6TH AV
El Paso And
Southwestern
Greenway
W 34th St
W 35th St
S 9th AV
S 8th AV
W 36th St
E I10 On Ramp
E I10
Mission
View E. S.
W 37th St
Nellie P.
E Old Vail Rd

EXHIBIT C

Permit #866

Back

Permit Information

Permit Number:
866
Permit Date:
04/15/2026
Permit Type:
Building
Issued Date:
Building Use:
COMMERCIAL
Status:
Issued

Contractors

Pinnacle - 1426 N MARVIN ST #101 GILBERT AZ 85233
Primary Contact: Carrie Peterson

Property Information

Parcel #: 118242280
2425 S 10TH AV

Fees

$100,001.00 to $500,000.00, ($1,210.00 for first $100,000, plus $6.60 for each additional $1,000):
$1,804.00 **- Paid**
Plan Review Contractor:
$1,197.50 **- Paid**

Total Fees:
$3,001.50

Amount Due:

ERROR fo
Invalid do

$0.00

Payments

Date:

Amount:

Type:

Paid By:

09/17/2026
$3,001.50
Chad Ward

Amount Paid:

$3,001.50

Uploaded Files

23 files have been uploaded

Files
Choose Files
Choose Files No file chosen
Upload
Request An Inspection

Please group the temporary power inspection and the site water/sewer underground inspection with another inspection. Requesting custom inspection times or same-day inspections For specific arrival time or a same day inspection request, please contact us at (520) 792-2424 or email us at submittals@southtucsonaz.gov. There is a minimum two-hour charge for a custom field inspection. *Non-Contractors can use code 12345 to submit Inspection Request.

* Indicates required field

* Access Code: Need your access code? Email me my code
Type:
Pick a Day to Check Availability: October 23, 2026

Submit

Accessibility

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Accessibility

EXHIBIT D

THE DAILY TERRITORIAL
2302 E. Speedway Blvd Suite 206
Tucson, AZ 85719

AFFIDAVIT OF PUBLICATION

Daily Territorial (Tucson)
2302 E. Speedway Blvd Suite 206, Tucson, AZ 85719
(520) 294-1200

I, Anjana Bhadoriya, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Daily Territorial (Tucson), a publication that is a "legal newspaper" as that phrase is defined for the city of Tucson, for the County of Pima, in the state of Arizona, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

Publication Dates:
- Feb 11, 2026

Notice ID: MOf6cJFSvVGISJQlFRe6
Notice Name: BOA 25-01 - 2425 S 10TH AVENUE
Publisher ID: DTT012585

Request of:
City of South Tucson
1601 South 6th Avenue, Tucson, Arizona 85713

I declare under penalty of perjury that the foregoing is true and correct.

Anjana Bhadoriya

Agent

SHERI SMITH
Notary Public - State of Florida
Commission # HH269383
Expires on May 31, 2026

VERIFICATION

State of Florida
County of Broward

Signed or attested before me on this: 02/11/2026

S Smith
Notary Public

Notarized remotely online using communication technology via Proof.

CITY OF SOUTH TUCSON - BOARD OF ADJUSTMENT CASE 25-01
NOTICE OF A PUBLIC HEARING BY THE SOUTH TUCSON BOARD OF ADJUSTMENT ON FEBRUARY 25, 2026, AT 3PM AT THE CITY OF SOUTH TUCSON MUNICIPAL COMPLEX, CONFERENCE ROOM, LOCATED AT 1601 S 6TH AVENUE, SOUTH TUCSON, ARIZONA 85713, REGARDING THE FOLLOWING CASE: FOR DISCUSSION AND POSSIBLE ACTION REGARDING A VARIANCE TO ERECT A NEW WIRELESS COMMUNICAT ION FACILITY (TOWER) AS REQUIRED BY CITY CODE 24-387(12) FOR PROPERTY LOCATED AT 2425 S 10TH AVENUE / PARCEL 118242280, CASE NUMBER BOA 25-01. FOR ADDITIONAL INFORMATION REGARDING THIS MATTER, PLEASE CONTACT PLANNING & ZONING AT 520-223- 8223 OR JLICEA@SOUTHTUCSONAZ.GOV.
Publish: The Daily Territorial
Date: February 11, 2026
DTT012585