

South Tucson approved a 70-foot Verizon cell tower across the alley from a residential block — in 35 minutes, without making any of the seven findings the law requires.

On February 25, 2026, the South Tucson Board of Adjustment voted 4-0 to approve a setback variance for a 70-foot Verizon cell tower at the alley line of a residential block at 2425 S. 10th Avenue. The hearing took 35 minutes. The audio is 33 minutes and 46 seconds long. **Across all of it, no Board member, no city staff, and no representative for the applicant addressed any of the seven findings South Tucson's own zoning code requires before any variance may be granted.** The 30-day appeal clock under A.R.S. § 9-462.06(K) is now running. The full documentary record is available to press on request.



Looking north across the alley, May 5, 2026 at 7:02 AM. Single-family homes (left) sit ~60 feet from the proposed tower base. Yellow bollards delineate the regulatory wash; behind the fence: a CAT excavator, graders, stacked drainage culverts. EXIF GPS preserved.

FIVE THINGS ON THE PUBLIC RECORD

- 1. The seven required variance findings under § 24-21(c) were not made on the record.** Federal law (47 U.S.C. § 332(c)(7)(B)(iii)) independently requires substantial evidence in writing for any wireless-facility decision.
- 2. Notice was substantially incomplete.** The City Planner told the Board mailed notice went to “every property owner” within the 300-foot radius. Door-to-door visits using the City's own list found that of approximately ten property owners reached in person, approximately six reported no notice.
- 3. The use authorization rests on a 1970s code clause.** South Tucson interpreted “radio broadcasting stations, towers and studios” — language drafted before consumer cellular service existed — to encompass a 2026 Verizon cell tower.
- 4. Pima County says the parcel is in regulatory floodplain and erosion hazard area.** On May 5, 2026 the Pima County Regional Flood Control District signed a written determination establishing the parcel sits in regulatory Local Floodplain (Special Study #107) with a 25-foot setback required from the wash. At the hearing, the applicant's representative described that exact corridor as “open space greenbelt parcel.”
- 5. Seven defined terms about wireless facilities appear in the August 2025 § 24-1 — and do not appear in the April 2026 version on the city's website.** The window between these two published versions includes the BOA hearing date. The city has stated this is a publisher-migration artifact. See page 3 for the full side-by-side.

WHO IS ASKING — VERIZON

Behind every line of the public record on BOA 25-01 is a single corporate beneficiary: **Verizon Communications, Inc.** — the wireless carrier whose antenna will go on top of the proposed 70-foot pole, whose lease will fund the host site, and whose network footprint will expand into a residential block where it does not currently sit. The applicant of record at the hearing was a wireless siting representative working on Verizon's behalf. He is not Magnum Paving. He is not the parcel owner of record (Hawesome Properties LLC). He was the agent through whom Verizon asked the Board to grant the variance.

Verizon, like every wireless carrier that applies for a variance, is responsible for the substance of its own application. The choice to pursue a new structure at a residential alley line — rather than co-locate on an existing FCC-registered taller pole half a mile away — was the applicant's choice. The choice not to put alternative-site analysis on the record was the applicant's choice. The choice to characterize a regulatory wash as “open space greenbelt parcel” was the applicant's choice. None of the City's procedural failures relieve the applicant of the duty to make the showings the law expects.

What Verizon's representative did not put on the record: no alternative-site analysis; no engineering rationale for why a new pole at this specific alley line was necessary; no discussion of co-location on the existing 80-foot Sun State Towers monopole at 2675 S. Santa Cruz Lane (FCC ASR 1325714, FAA Study 2023-AWP-8714-OE), 0.6 miles WSW and ten feet taller; no documentation of the floodplain status of the parcel; and no engagement with any of the seven findings § 24-21(c) requires. The asymmetry of resources and information access between a Fortune 50 wireless carrier and the residents of a 5,500-person Hispanic-majority enclave is itself part of what a Board of Adjustment is supposed to take into account — not bypass.

WHAT A BOARD OF ADJUSTMENT IS FOR

Zoning laws are among the most consequential laws on the books — they redirect floodwater, reshape neighborhoods, and determine what gets built across the alley from your home. A Board of Adjustment exists to apply those laws case-by-case, with care. **It is not a rubber stamp.** The Magnum Paving parcel has been a paving contractor's yard for 41 years; under the cover of a “setback variance,” the owner is being permitted to enter an entirely new line of business: hosting a 70-foot wireless tower for Verizon. **Section 24-21(a) of the South Tucson Code expressly bars the Board of Adjustment from granting use variances** — those must proceed through the Council under § 24-43, with Planning Commission review and a public hearing. Whether the relief sought is substantively a use change is one of the questions that should have been engaged on the record, and was not.

THE CO-LOCATION QUESTION

Federal and state law on wireless siting consistently encourage co-location — placing new wireless equipment on existing structures rather than building new ones. **An 80-foot Sun State Towers monopole already exists at 2675 S. Santa Cruz Lane, 0.6 miles WSW of the Magnum site.** It is FCC-registered (ASR 1325714), FAA-cleared, and ten feet taller than what Verizon proposes to build at the alley. The 33:46 hearing audio contains zero discussion of co-location. **The seventh finding required by § 24-21(c) is that the variance be the minimum necessary.** If a viable co-location alternative exists 0.6 miles away on an existing taller structure, then by definition no variance is the minimum necessary.

Verizon is trying to build a 70-foot cell phone tower in the middle of a residential area

THE ZONING CODE QUESTION — § 24-1

This is structurally different from how the variance was handled. It is a question about the rules themselves — whether residents and applicants in South Tucson can rely on the version of the zoning code published by the city. **Two versions of South Tucson Chapter 24 are publicly available right now. Seven defined terms about wireless facilities appear in the August 2025 version of § 24-1 and do not appear in the April 2026 version on the city's website.**

AUGUST 5, 2025 Munipodes archive — published version	APRIL 27, 2026 southtucsonaz.gov — currently published version
Antenna DEFINED	Antenna NOT FOUND
Collocation DEFINED	Collocation NOT FOUND
Communication, commercial wireless DEFINED	Communication, commercial wireless NOT FOUND
Communications DEFINED	Communications NOT FOUND
Communications facility, wireless DEFINED	Communications facility, wireless NOT FOUND
Conceal DEFINED	Conceal NOT FOUND
Disguise DEFINED	Disguise NOT FOUND

The window between these two published versions runs from **August 5, 2025** through **April 27, 2026**. **The BOA 25-01 hearing occurred on February 25, 2026 — inside that window.**

THE CITY'S STATED POSITION

The City Attorney has stated that the apparent differences between published versions of the code are an artifact of the city moving from one code-publishing vendor to another, and that no substantive change to the operative code has occurred.

THE HARD QUESTIONS

These follow from the observable facts. They are not accusations — they are the questions any code-amendment process would be expected to answer in the ordinary course.

- 1. What is the operative text of § 24-1 today?** Are the seven terms part of the code, or not?
- 2. If the seven terms are still operative, why is the version on the city's website not the operative version?** A vendor migration would carry definitions forward, not remove them.
- 3. If the seven terms are not operative, what ordinance changed them?** § 24-43 requires Planning Commission review and Council adoption with public hearing. Ordinance number, date introduced, date adopted.
- 4. Was there a Planning Commission review?** If yes, the record should reflect it. If no, § 24-43 was not followed.
- 5. Was there a public hearing?** Same standard. The Council records should show it.
- 6. The April 2026 version shows no amendments to Chapter 24 anywhere after 2017. Is that accurate?** If accurate, easily confirmed from minutes. If not, the missing amendments should be visible.
- 7. Did the change in code-publishing vendor involve any substantive changes to the published text — or only formatting?** A factual question with a documented answer.

WHAT WE ARE ASKING FOR

A clear, document-supported answer to questions 1 through 7. That is all. Item 6 of the May 1, 2026 Public Records Request specifically seeks any ordinance amending Chapter 24 between 2017 and the present, along with the Planning Commission record and the Council adoption record.