

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

July 11, 2024, Regular Meeting

Noon

Montgomery-Watterson Boardroom, City Hall

Members Present:

Bill Sumner
Calvin Clifton
Joe White
Wes Combs

Members Absent:

Tracey Cleek

Staff Present:

Lori Pyatte
Ken Weems
Jessica McMurray
Finn Hounshell

Visitors:

Ben Herrick
Harris Simpson
Diane Caldwell
Jonathan Pierce
Rhonda Morris
Geoffrey Miller

Chairman Bill Sumner called the meeting to order at 12:01pm.

Chairman Sumner explained the meeting procedures.

Ms. Lori Pyatte conducted the swearing in ceremony for those wishing to speak during the regular meeting. All visitors were sworn in.

Public Hearing:

Case: BZA24-0068 – The owner of property located at TBD N. Eastman Road, Control Map 061D, Group E, Parcel 023.10 requests special exception to Sec 114-191(c)4 for the purpose of constructing a new cell tower. The property is zoned P-1, Professional Offices District.

Mr. Ben Herrick introduced himself as the owner's representative and presented the case to the board. Mr. Herrick began by stating this item was presented to the board initially in May 2024. The meeting resulted in the board tabling the item and requesting the applicant submit property valuation data. Mr. Herrick continued, stating the Property Valuation Report was completed and submitted to the board. Mr. Herrick went on to say the report showed the location of a cell tower near residential neighborhoods had no impact on property values. Mr. Herrick noted Mr. Harris Simpson, Real Estate Appraiser completed the report, was an expert in property valuation and present to answer any questions the board may have. Chairman Sumner inquired as to if the board would like to hear a summary of the report. Mr. Combs stated he would. Mr. Herrick then introduced Mr. Harris Simpson to the board.

Mr. Simpson noted his qualifications and directed the board to the Property Valuation report provided in the packet.

Mr. Simpson then explained his method for completing the report was through interviews with homeowners, builders, tax assessors and realtors as well as assessing current home values and recent sells in residential areas located near cell towers. Mr. Simpson explained he ended with a body of data and the preponderance of it showing how the market is perceiving and reacting to the cell towers. In this case the market is very good and he did not find any example where there was a negative impact on property values from the cell tower.

Mr. Combs asked if Mr. Simpson could walk the board through his analysis of data. Mr. Simpson referenced exhibit "A" in the report as his best example. He cited a newly developed subdivision at an old Wal-Mart site in close proximity to an existing cell tower, where the majority of new homes sold within two years of construction. The research is a combination of things, in this case, talking to the realtor who stated the new homes "sold like hotcakes" and homeowners who stated it was not an issue. Then by profiling data and taking a look at actual sells Mr. Simpson determined it could be proven there was no negative impact.

Chairman Sumner inquired as to if the strong housing market had an impact on the results. Mr. Simpson responded that a strong market is not just in this area.

Vice Chair Clifton stated, topographically speaking the site is horrible due to elevation and asked Mr. Herrick if a diagram was available to provide an elevation view of the proposed retaining wall around the tower in proximity to Eastman Road and the surrounding properties. Mr. Herrick stated he did not have an elevation diagram but could commission if requested. Vice Chairman Clifton went on say he knows the site well and it will be extremely difficult to develop. Continuing on to say that the retaining wall itself will be an eyesore to patrons at the eating establishment across the street. Vice Chairman Clifton then referenced the tower at the old Wal-Mart site, stating that tower has been for a number a years and the individuals buying a home in the new subdivision had a choice as to whether they wanted to buy there or not. In this case, the new tower is being built in an older neighborhood that is completely built out. Vice Chairman Clifton inquired as to if staff had any record of comment received from the commercial property owners across the street. Mr. Ken Weems stated, Mr. Jonathan Pierce provided testimony at the May meeting. Mr. Herrick inquired as to if stealthing the tower could be a condition of approval. Mr. Combs asked if a stealth tower would be the same size, Mr. Herrick responded, stating that yes it would the same 150 feet.

Mr. Jonathan Pierce introduced himself as the owner of the commercial property located at 1700 N. Eastman Road. Mr. Pierce stated the cell tower would not impact his commercial property as much as it will impact the residential neighborhood. He went to say he is not against Verizon putting up a new tower just not at this location. This tower will be in these residents backyard, 150 feet tall and in their sky line and he is not convinced this will not affect their property values. Chairman Sumner inquired as to if Mr. Pierce believed the tower will affect his property values. Mr. Pierce stated he thinks it will affect his property and his pocketbook.

Ms. Rhonda Morris introduced herself as a homeowner at 1640 C Street and stated the tower would be located in her backyard. Ms. Morris stated the 150 feet tower does bother her and inquired as why a tower the same size as a light pole could be installed. She explained the tower would obscure her view and is concerned with the retaining wall. The board inquired as to how long Ms. Morris has lived at her home, she stated since 2002. Mr. Combs inquired as to if the homeowner believed this would affect her property value, she stated she did believe it would affect her property value.

Ms. Diane Caldwell introduced herself as a homeowner at 1639 C Street and stated the tower would be in the view of her front yard. Ms. Caldwell stated her concerns was the health effects and radiation from a cell tower. Mr. Combs inquired as to if the homeowner believed this would affect her property value, she stated she did believe it would affect her property value.

Chairman Sumner, seeing no one wishing to speak further on the item, closed the public hearing.

Case: BZA24-0121 – The owner of property located at 1447 Highpoint Avenue, Control Map 029E, Group B, Parcel 016.00 requests a 96 foot deviation from rear yard to Sec 114-133(1) for the purpose of constructing a detached two-car garage in the front yard. The property is zoned R-1B, Residential District.

Mr. Geoffrey Miller introduced himself as the homeowner and presented the case to the board. Mr. Miller explained the purpose of the request is to construct a new detached two-car garage in his front yard. Mr. Miller explained the building could not be located in his side yard due to the septic system and could be located in the rear yard due to a depression in the ground. Mr. Miller stated he did reach out to the adjoining property and they were supportive of the building location.

Chairman Sumner, seeing no one wishing to speak further on the item, closed the public hearing.

BUSINESS:

MOTION: made by Mr. White, seconded by Mr. Combs, to approve the Kingsport Board of Zoning Appeals minutes for June 6, 2024.

VOTE: 4-0 to approve the minutes.

10 year board of zoning appeals variance report – Staff recommended the board move into adjudicating cases and hear the presentation once adjudication is complete. Chairman Sumner agreed.

Adjudication of Cases:

Case: BZA24-0068 – The owner of property located at TBD N. Eastman Road, Control Map 061D, Group E, Parcel 023.10 requests special exception to Sec 114-191(c)4 for the purpose of constructing a new cell tower. The property is zoned P-1, Professional Offices District.

The board deliberated amongst members. Chairman Sumner noted a petition was submitted to the record with approximately 77 signatures. Petition signatures consisted of residents in the neighborhood located behind the subject property, Kingsport citizens at-large and a couple non-Kingsport residents. Chairman Sumner stated that 77 signatures is significant. Vice Chairman Clifton agreed and reiterated his concerns about the impact on nearby commercial properties, site topography and retaining wall elevations. Mr. Combs stated the effects of not approving the cell tower could result in lagging communications for the neighborhood over the next several years.

MOTION: made by Vice Chair Clifton, seconded by Mr. Joe White, to deny the special exception for the purpose of constructing a new cell tower.

VOTE: 4-0 to deny the request based upon neighborhood impact.

Case: BZA24-0121 – The owner of property located at 1447 Highpoint Avenue, Control Map 029E, Group B, Parcel 016.00 requests a 96 foot deviation from rear yard to Sec 114-133(1) for the purpose of constructing a detached two-car garage in the front yard. The property is zoned R-1B, Residential District.

The board noted the hardship is the irregular lot shape and topography.

MOTION: made by Mr. Combs, seconded by Mr. White, to approve the 96 foot deviation from rear yard as requested.

VOTE: 4-0 to approve the request.

With adjudication of cases complete, Mr. Ken Weems introduced Finn Hounshell to the board as a summer intern working within the planning department. Mr. Hounshell present a 10 year board of zoning appeals variance report. The board noted the report was very well done and informative. They thanked Mr. Hounshell for his work.

With no further business the meeting was adjourned at 1:29 p.m.

Respectfully Submitted,

Jessica McMurray

Jessica McMurray
Development Coordinator