

404 Hampton Avenue

What to expect at the Board of Zoning Appeals hearing

The BZA will hear the appeal and make its own decision based on the ordinance and the hearing record.

A neutral guide for explaining the appeal process and what will happen during the August 27th (5:30 pm) hearing in the appeal brought by Tracy and Sunshine Gantt Ministries.

The City of Pickens has denied the request to open a homeless shelter/transitional housing facility at the site. The applicant has appealed that denial.

The case concerns four proposed uses at one address

Medical / clinical services	Clinic without overnight lodging	ALLOWED — CONDITIONAL USE
Workforce & job placement	Treated as a business center	ALLOWED — CONDITIONAL USE
Administrative co-working	Treated as a general office	ALLOWED — PERMITTED USE
Transitional lodging	Not listed as permitted or conditional	NOT ALLOWED BY RULING

Only the transitional-lodging determination is in dispute

What the administrator concluded

- The ordinance permits the clinic, job-placement center and co-working office subject to applicable conditions.
- The ordinance does not expressly list transitional lodging, homeless housing or a homeless shelter.
- Because the ordinance is treated as permissive, the unlisted lodging use was denied.

What the BZA must decide

Did the zoning administrator make an error in interpreting or applying the City zoning ordinance to the proposed transitional-lodging use?

The hearing is not a vote on the applicant's mission, popularity or perceived worthiness.

The BZA is a hearing body—not a policy committee

BOARD OF ZONING APPEALS

Hears the appeal, weighs relevant evidence, interprets the ordinance and issues a written decision.

APPELLANT

Explains the alleged error and presents evidence and ordinance-based argument.

ZONING ADMINISTRATOR / CITY

Explains the determination and provides the administrative record.

AFFECTED PERSONS / WITNESSES

May offer relevant facts or testimony under the chair's hearing procedures.

CITY COUNCIL AND STAFF

Support a fair process and accurate record; do not direct the BZA's decision in the pending case.

Before the hearing, notice and the case record are prepared

- 01

Appeal filed

Written grounds identify the claimed error. The letter states a 30-day deadline and \$50 filing fee.
-
- 02

Record assembled

The zoning official transmits the decision, application and supporting papers.
-
- 03

Hearing noticed

At least 15 days' published notice and due notice to parties in interest.
-
- 04

Materials distributed

Board members receive the case materials and applicable ordinance provisions.
-

The hearing follows a structured sequence

- 01

Chair opens the case and states the rules

- 02

Staff identifies the decision and administrative record

- 03

Appellant presents grounds, evidence and argument

- 04

City / zoning administrator responds

- 05

Affected persons offer relevant testimony

- 06

Appellant receives reasonable rebuttal

- 07

Board asks questions and closes the evidence

- 08

Board deliberates and votes

Public participation is relevant testimony

THE BOARD MAY RECEIVE

- Firsthand facts about the property or proposed operation
- Ordinance provisions and interpretations tied to the appeal
- Evidence explaining how a speaker is directly affected

THE CHAIR MAY LIMIT

- Repetitive, irrelevant or purely personal remarks
- Comments unrelated to the alleged zoning error
- Disruptive statements or attacks on people

Attendance is open to everyone. Speaking is governed by relevance, fairness and the Board's adopted procedure.

Strong testimony helps build a reviewable record

A useful speaker can answer three questions:

1

What is your connection?

Identify whether you are a party, neighbor, witness, expert or other affected person.

2

What fact or ordinance text matters?

State direct knowledge, point to a document, or identify the section you believe controls.

3

How does it bear on the claimed error?

Connect the evidence to whether the administrator correctly interpreted the ordinance.

The Board's decision must be grounded in law and evidence

THE RECORD

- The actual notice of appeal and stated grounds
- The zoning administrator's written determination
- The text, definitions and cross-references of the zoning ordinance
- Competent evidence received during the hearing

THE BOARD'S ANALYSIS

- Whether the proposed use fits an existing listed use
- Whether the administrator's permissive-zoning interpretation is correct
- Whether the record is complete enough to decide
- Whether affirmance, reversal, modification or remand is warranted

Fairness requires the same standards for all parties and a decision based only on the record—not outside pressure.

The BZA has four possible paths

AFFIRM

Leave the zoning administrator's determination in place.

MODIFY

Change part of the determination or direct an appropriate permit decision.

REVERSE

Find error and overturn the determination, within the Board's lawful authority.

REMAND

Return the matter to the zoning official when the record is insufficient, then rehear it as required.

After the vote, the written decision controls

WRITTEN ORDER

Final decision with separately stated findings of fact and conclusions of law.

DELIVERY

Filed as a public record and delivered to parties in interest by certified mail.

COURT REVIEW

A qualifying party may appeal to circuit court within 30 days after the decision is mailed.

IMPLEMENTATION

Staff follows the final order unless it is stayed, altered or reversed through further proceedings.

The goal is a fair hearing, a complete record and a decision the public can understand.