

# Proposed halfway home in Henderson Mt. area meets more resistance from planning commission

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The Pickens County Planning Commission saw a good-sized crowd at their May meeting Monday, with several residents turning out to oppose the establishment of a proposed group home along Henderson Mountain Road.

The rezoning request, submitted by John Gier, a resident of Pickens County, seeks to have his property re-

zoned from rural residential to highway business to allow the home to accommodate a greater number of residents recovering from addiction.

Planning and Development staff recommended denial of the request, citing that the highway business distinction, intermixed with low-density residential housing, would create “isolated and inconsistent zoning” that could set a risky precedent for “future incompatible zoning developments.”

Following the staff’s presentation, Gier spoke before the commission to contend the recommendation.

Gier referenced the rising cost of living, telling the commissioners “If you’ve not got \$2,500 a month, you know, you can’t afford a home ... I just want to offer a place for these guys to go to get a foot up in the world.”

He argued that without a secure place to stay, those in recovery could be forced

to seek shelter in abandoned homes, tents and cars. “That’s why they go back into addiction ... That’s not good for the community. That’s not good for anybody,” he stated.

Continuing his remarks, Gier said current Pickens County ordinance language allows “only two people that are not blood-related can live in a house and it be zoned [as a] single family residence.”

According to Gier, the Pickens County Fire Mar-

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## Rezoning

shal approved the property to hold up to 14 occupants, however Gier would cap the resident-count at 12. "That's 12 guys that's not on the street using drugs," he said

While addressing concerns that the facility would affect the value of surrounding properties, Gier said, "I don't realize how a group home can affect property value," adding, "we're just housing some guys that have no desire but to do better in life."

Gier continued, arguing that his residents posed no additional threat to the community.

"The community is so worried about these guys, but we've got an open investigation right now where clearly there's neighbors flying drones looking through the windows. So are my guys a threat, or is the community a threat," he asked.

The *Progress* later confirmed the incident. According to the Pickens County Sheriff's Office, on April 13, a drone was spotted hovering over Gier's property. Residents reportedly threw rocks toward the drone, attempting to strike it, but were unsuccessful. The drone crashed into a nearby tree. After authorities were called, the drone was collected

by the Sheriff's Office. The investigation remains active.

Gier mentioned the property would be under 24-hour surveillance, monitored by the ADT security company and available to be accessed at any time by the Appalachian Judicial Court.

He closed out his remarks by stating he was willing to work with surrounding property owners to "make them feel safe and make them feel comfortable."

A crowd of roughly 15 individuals gathered to oppose the rezoning request.

Attorney Joshua Scoggins spoke on behalf of the opposition.

Scoggins began by stating that while he sympathizes with those in support of the measure, he does not agree with the placement of the facility "in the middle of a residential subdivision."

He warned the commission that such a move could "give rise to what is essentially illegal spot zoning."

Scoggins argued that by definition the proposed group home actually "falls under the definition of a halfway house" as it seeks to house "non-related persons who are recovering from alcohol abuse or other chemical based substances."

If the county were to determine the facility was a halfway house, Scoggins said that, under state law, two public hearings held six months apart would be required before approval.

He then asserted that the integration of a highway business zoning district among rural residential developments was the very definition of spot zoning.

"[That] makes it illegal, null and void and [easy] to challenge in court."

Scoggins concluded by stating, "I think the use is noble ... but where it's located is not correct."

During his rebuttal, Gier contended that the attorney's classification of the facility as a halfway house violated the Americans with Disabilities Act (ADA) and the Federal Fair Housing Act (FHA), however Scoggins clarified that he only mentioned the definition to highlight the procedure necessary to attain approval, not as a reason for denial.

"It has nothing to do with [the] type of people living in [the] place. It has to do with following the procedures that the state has outlined..."

Before the commissioners took a vote, Chairman Clayton Preble said the matter of spot-zoning was a "slippery slope," adding, "once you've done one spot ... it would be hard to deny another one."

The commissioners voted unanimously to deny the request as presented.

The request is set to be heard at next month's regular Board of Commissioners meeting, where it will receive a final vote.