

Newest Roanoke Council Members Agree to Reassess Controversial Zoning Reforms

The council may act before a scheduled August court hearing on related lawsuits.

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The newest faces on Roanoke City Council said they plan to rework a controversial law aimed at creating more housing options and lowering those costs.

Seeking to increase housing affordability, the City Council last year dropped single-family-only zoning from the books in favor of permitting a mix of housing types, including apartments, in places where it was previously prohibited.

The general thinking: Increasing possibilities over time will create more housing stock and lower costs due to better availability.

But opponents believe the reform goes too far and sued. Defending the council's decision has generated city legal bills that are approaching \$100,000.

A majority of council members who took office earlier this year – Vice Mayor Terry McGuire, Nick Hagen, Phazhon Nash and Evelyn Powers – said they're ready to revise the law and plan to act sometime soon.

The big question: Can the council find a sweet spot that offers more creative housing options while calming neighborhood opposition?

It has already been a tangled process. In March of 2024 the council passed substantial zoning reform. Then, when opponents sued, the council repealed the action and it offered another public input period. Then, in September, it approved basically the same changes again on a 6-1 vote. Three who voted for the reform – Mayor Joe Cobb, Vivian Sanchez-Jones and Peter Volosin – remain on the council.

Volosin said this week he could agree to some "tweaks" but doesn't want the ordinance repealed. And he said the council should wait until the lawsuits against the city are finished.

However, the council may act ahead of a scheduled August court hearing on the citizen-driven lawsuits.

One of the plaintiffs, Anthony Stavola, said his side might be open to delaying the litigation to see what the council comes up with. The litigation could be dropped if an agreeable compromise is reached, he said.

"We're hopeful about the trajectory," he said.

Not all of the changes enacted by council last year are divisive, he said. But resistance to increased housing density remains a main reason for the litigation, he said.

The city, after being sued in the spring of 2024, hired Gentry Locke Attorneys to fight the allegations. The city had paid the private firm \$85,071.69 for legal services as of this May, with the case still at the pre-trial phase, according to information provided to The Roanoke Rambler through an open records request.

The changes make it easier for developers to build duplexes, triplexes and small apartment buildings in residential neighborhoods. The four newest council members campaigned against the adopted reforms, and all said they would have voted against the measure had they been on the council at the time.

Hagen, the lone council Republican, supports a full repeal. Hagen, a lawyer, said he believes litigation over the current zoning regulations could be a continuing problem. For instance, if developers were to get caught up in litigation over projects allowed by the new rules, then they could potentially pass along those costs to renters or buyers.

The council's upcoming process will likely be "a conversation and a compromise," Hagen said. McGuire, Powers and Nash offered similar thoughts.

"I would like to amend it to restore guardrails," McGuire said, which would include restoring planning commission review and city council approval of projects of a certain size.

Since the new members took office, a South Roanoke project is spurring debate. The development is the most significant example of a project that was made possible by the enacted 2024 changes. Four century-old residences in the 2200 block of Richelieu Avenue were demolished to make way for a 22-unit apartment complex that could grow to 36 units. And, with a more upscale rehabilitation, the rents will rise to market rate. Before last year's reform, the city would have allowed only up to 14 units for such a project.

Housing advocates and city officials say the reforms passed last year are helping address a critical gap in housing supply.

In March, Court Rosen, who works for the ABoone Real Estate firm overseeing the South Roanoke site, said the reforms do offer more creative ways to develop housing.

Nash, however, worries that knocking down existing housing will take affordable housing out of service at a time when Roanoke needs more, not less.

He said he understands that structures that aren't in the best of shape can be replaced by new construction or substantial renovation.

“But for me, the point remains that people call that place home and they live there at a rate they could afford, and now that’s gone, and it’s going to be replaced with something that’s way more expensive,” he said of the South Roanoke project.

Nash said he could see similar developments happening across the city, including in and around the Riverdale project in southeast as well as the biomedical area led by Carilion and Virginia Tech on Jefferson Street.

McGuire, too, said he’s concerned about developers clearing blocks of existing neighborhoods to build projects – particularly in high-interest areas that border downtown – that will only be accessible to those with higher incomes.

The council, planning commission and city staff discussed the issue at length during a meeting in early June. City officials have long said affordable housing is a top – if not the most important – issue Roanoke faces. The discussion ranged over numerous topics including its definition, pricing and marketing. And other barriers exist: Roanoke is mostly built-out, and it, like other Virginia cities, is landlocked based on legislation the General Assembly adopted decades ago.

Most of the housing development in the city since the initial zoning reform was initially passed in March 2024 was not a result of the changes, according to city data. But dozens of units are a result of the new options, according to city planning staff. And that includes creative projects such as add-ons behind existing duplexes.

The term in urban settings is “missing middle” housing. And Roanoke is not the only locality in the middle of such a debate.

In Arlington, a policy eliminating single-family-only zoning was effectively reinstated last month upon litigation there. A panel of judges ruled that homeowners suing the county over that effort should have also included in their lawsuit the real estate developers who built projects under the zoning change.