

City Seeks Dismissal of Zoning Lawsuits; Housing Data Shows Little Impact Based on Changes

[Todd Jackson](#) Apr 29, 2025

The city of Roanoke is seeking to dismiss two lawsuits that challenge its sweeping zoning changes enacted last year to try to increase multi-family housing.

Meanwhile, the city released data that shows the zoning changes, so far, have had little impact on housing permits.

The lawsuits were brought by groups of Roanoke residents, mainly in opposition to allowing multi-family dwellings in all of the city's residential districts. Plaintiffs also take issue with certain parts of the procedure city officials used leading up to the approval of the zoning amendments. The city made the changes, at least in part, to try to free up ways for developers to create more housing, which in theory drives down costs.

"Our clients are now moving forward with their legal challenges of the City's comprehensive zoning amendments eliminating single-family only housing city-wide," John Fishwick, an attorney for one of the groups of plaintiffs, wrote in a press release. "While the cases progress, we remain hopeful that these zoning amendments will be repealed and there will be an opportunity for the entire community, including our clients, to work with the new City Council to seek solutions that actually address the need for affordable housing while respecting the concerns voiced by the electorate last November."

The city argues, though, that the case represented by Fishwick should be dismissed because it deals with the March 2024 changes that City Council override with a September update.

In response to a second lawsuit brought in October by resident Kristin Way Segelke and others, the city argues that, while the zoning changes can be the subject of a civic debate, the City Council was in compliance with laws and regulations when it approved them.

The zoning changes "are not just consistent with the City's comprehensive plan - City Plan 2040 - but directly serve to implement its stated priorities and policies," the city's response reads.

Homeowners counter in the lawsuit that "there is little empirical evidence that the changes will serve the City's stated public goals or make a dent in addressing the supply of affordable housing." Instead, they argue the changes could cause increased traffic, noise and parking issues in mostly single-family neighborhoods.

The Rambler sought housing data for the period since the zoning amendments were approved — then reconsidered and approved again — last year, from mid-March of 2024 through mid-March of 2025.

The city released data last week. Of 1,411 new units, 127 were single-unit dwellings and unaffected by zoning changes and 1,243 (representing 88 percent of all new units) were multifamily units unaffected by the zoning changes, according to the data. The multifamily projects include 768 units at 2814 Orange Avenue that are part of a large apartment complex development: 170 units at Hershberger Meadows; 267 units at Riverdale; and 15 units at Trinity Commons.

Only 36 units were additional units allowed only by the 2024 text amendments, according to city Planning Manager Wayne Leftwich. A proposed project in South Roanoke, on Richelieu Avenue, makes up 22 of those 36 units, according to the city data. Seven of the 36 were either duplexes or an Accessory Dwelling Unit (ADU), both of which may have been allowed by special exception and are now allowed by right because of the 2024 text amendments, according to Leftwich. There were five Accessory Dwelling Units (ADU) that were allowed as a result of the city's 2021 zoning text amendments. Those ADUs resulted from the 2021 amendments because those changes were the city's first attempt to support missing middle housing following the completion of Roanoke's comprehensive plan, Leftwich wrote.

The City Council that approved the zoning changes last year now includes a majority of four different members, three elected in November: Nick Hagen, Phazhon Nash and Vice Mayor Terry McGuire, and one, Evelyn Powers, appointed to fill Joe Cobb's council seat after he was elected mayor. Each of those have said they want to see changes to the zoning code.

The council has yet to discuss the possible repeal of the amendments publicly as a group during a formal meeting.