

Waste of resources, 'policy disagreement': Roanoke requests dismissal of zoning lawsuits

Luke Weir, April 30, 2025

Government attorneys have responded in bulk to a pair of lawsuits filed by Roanoke citizens against zoning changes enacted last year.

Hundreds of pages of documents were filed by city attorneys on behalf of the city council last week, in response to a pair of lawsuits from two groups of residents, one led by Anthony Stavola and the other by Kristin Segelke.

The lawsuits were filed in opposition to a couple of city council decisions last year — first in March, and again in September — to overhaul the residential zoning code.

The amendments are an effort by the city to increase housing supply amid a notable shortage. However, the changes stirred controversy among neighbors for removing single-family housing as the predominant residential designation citywide.

A 326-page response, plus one USB flash drive, was filed April 22 by City Attorney Tim Spencer and his staff, as well as Michael Finney with Gentry Locke Attorneys, regarding Segelke and her neighbors' case.

City attorneys requested a “motion craving oyer,” which means they are asking the plaintiffs to file documents that were mentioned in the lawsuit, for example the city’s comprehensive plan, city charter, and the Greater Raleigh Court Neighborhood Plan.

“Additional documents are essential to plaintiffs’ claims,” the city’s response said.

Further, the city is requesting to dismiss all claims alleged against the city council.

“Plaintiffs are mistaken,” the city’s response said. “As a matter of law, city council acted reasonably.”

The zoning ordinance amendments, abbreviated as ZOA in court documents, are an implementation of the city’s long-range comprehensive plan document, City Plan 2040, the city attorneys said.

“Plaintiffs are city property owners. They believe that multifamily dwellings should not be allowed in all of the city’s residential districts, and that city council erred in adopting the September 2024 ZOA,” the city’s response said. “That is a reasonable opinion, and such debate is healthy for a democracy. This policy disagreement, however, is not grounds to invalidate the city council’s legislative judgement.”

Stavola and his neighbors filed their lawsuit in response to the March zoning changes, and the city is also requesting that case be dismissed. City attorneys filed a 100-page response to Stavola.

Because the city council repealed the March amendments and then reapproved substantially similar changes last September, Stavola's case against the amendments are no longer relevant, according to the city's response.

"The March 2024 ZOA are not currently in effect, and this action is therefore moot," the response reads. "More than just a waste of resources then, this action cannot go forward as a matter of law."

In both cases, city attorneys said Roanoke and its planning commission are improper parties and requested they be removed from the litigation. If approved, that would leave only the city council as defendants.

"This was an exercise of the city's broad legislative power, granted to it by Virginia's zoning enabling statutes," the city's response reads.

Reached by email Tuesday, attorney John Fishwick, who is representing Stavola, Segelke and the other neighbors, said Fishwick & Associates are "in the process of setting this matter for a hearing."

"We look forward to responding to the City's arguments in Court," Fishwick said.