

Lawsuit against Roanoke zoning changes ready to proceed

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Anthony Stavola, left, and Roanoke City Attorney Tim Spencer discuss zoning amendments during a recess at the city council meeting on Monday. Stavola is one of a group of citizens suing to overturn amendments the city council passed in March.

Legal objections to citywide zoning changes are moving through Roanoke's courts system, plaintiffs said Tuesday.

It's been about a year since Anthony Stavola and other Roanoke residents filed a lawsuit against the city council, seeking repeal of citywide zoning amendments enacted last March. Attorneys with John Fishwick & Associates issued a statement Tuesday morning.

"Our clients are now moving forward with their legal challenges of the City's comprehensive zoning amendments eliminating single-family only housing city-wide," Fishwick said.

Lawsuits were filed last year, after a split city council approved sweeping residential zoning reforms. City planners said the changes are meant to remove barriers for the creation of housing amid a notable shortage of dwellings.

The suing residents' main issue with these changes is the city's removal of a designation for single-family zoning, which — until the amendments were enacted last year — characterized most of the residential land use in Roanoke.

Single-family zoning was one way in which city codes stifled the creation of new housing, planners said, in addition to being a holdover from segregationist policies of the past. Residents say the changes eliminated their chance to have a voice over developments in their neighborhoods.

Now that there are four new city council members, a new city manager, and a new acting director of planning, it's time to restart the conversation about citywide zoning, Stavola said during a phone call Tuesday.

"A lot of the players... have changed," Stavola said. "Can we start a meaningful conversation with all these new people involved?"

A lawsuit is one form of dialogue, with the city required to respond to the legal challenge. Lawyers for the city have requested and received additional time to respond, now with an April 22 deadline, according to court case records available online.

But Stavola said he hopes concerned residents can have a meaningful conversation with city leaders, perhaps rather than resorting to this legal method of conversing. The city's pending response will determine how things continue from here.

"We're always happy to have conversations with city council, city manager, planning, whoever," Stavola said. "But we've certainly not been asked to do that."

The city council repealed and approved materially similar zoning changes in September, doing so in an effort to avoid involvement in a prolonged legal challenge, city attorneys said previously.

That technicality may be part of the city's legal response. Until then, city officials have a policy against commenting on matters of pending litigation.

In the six months after the zoning reforms were enacted, planning staff told the city council that 14 new housing units were enabled. It was a small number as expected, but progress nonetheless on the city's housing shortage, staff said.

"We understand the needs," Stavola said. "We want to have a dialogue, a meaningful dialogue that looks at how to address those needs... without totally discarding [homeowners'] ability to have a say in what's happening."

The zoning changes are not meant to disrupt single-family neighborhoods, but are about encouraging gradual progress and more efficient land use, staff said previously. It's one of several methods being employed to improve the city's housing stock.

"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," Fishwick said in the news release.