

## **City faces second zoning-related lawsuit**

### **ROANOKE**

Another group of citizens is suing Roanoke in an attempt to reverse a zoning decision by the city council.

Fourteen neighbors in the southwest subdivision of Medmont filed the lawsuit in Circuit Court on Tuesday. One of the plaintiff s is Jim Garrett, a Republican candidate running for election to the council.

The residents are suing the council, landowners and developer over 3.5 acres slated for town house development.

"They didn't follow the procedures properly," Garrett said during a public meeting Monday. "How much further than that we can take it, I don't know."

Garrett and his neighbors are contesting a rezoning decision that the council unanimously approved in July, allowing developer A. Boone Real Estate to proceed with plans for building 24 town houses on eight undeveloped parcels along Medmont Circle Southwest.

Medmont currently contains 48 single-family homes in the Greater Deyerle neighborhood bordering Salem. The lawsuit seeks a jury trial.

Among the allegations, according to the lawsuit, is that the city Planning Commission "failed to publish all notices required," and the rezoning decision should therefore be voided.

Garrett and the other plaintiff s "will be irreparably harmed" by the project, the lawsuit reads:

"Development of the Medmont Project will create a nuisance to Plaintiff s; diminish Plaintiff s' ability to quiet enjoyment of their properties; result in increased housing density and traffic congestion; unnecessarily expose Plaintiff s to increased risk of liability; and reduce the value of Plaintiff s' properties."

The lawsuit also contends that city council "failed to give reasonable consideration to safety from fire, congestion in public streets ... protection against overcrowding of land, and providing for protection of the natural environment."

The city has yet to file a formal response to the lawsuit. City officials did not immediately respond to an email Wednesday requesting comment on the allegations.

Roanoke residents met at a press conference downtown on Monday to share their opposition to recent proposed city-wide zoning changes, a separate issue also being contested by a different citizen lawsuit. That meeting is where Garrett said he'd be filing the Medmont lawsuit.

"I went to a bunch of planning commission meetings, and the city council meeting, and they blew us off ," Garrett said. "I have never felt more neglected than going through that procedure."

On July 15, the city council approved the Medmont rezoning from single-family to mixed-use purposes, despite more than a dozen neighbors voicing their opposition.

In a July email, Medmont homeowner Karen Musgrove said that each neighborhood resident shares split ownership of a small lake, beach and park area adjacent to their homes.

"Therefore, we can be held personally responsible for any harm that may come of the property or persons that are on the property," Musgrove said in the email.

Musgrove is not signed on as a plaintiff in the lawsuit, but she did speak against the project to the council. In the email, she said the likelihood for trespassing from residents of the proposed Keagy Way development "is quite high, particularly if children live in the town homes."

"We have had a long history of issues with trespassing," Musgrove said in the email. "Most recently, we have had mothers dropping off their elementary and middle school children to fish in the lake who live a few miles away."

Along with the lawsuit against the proposed citywide zoning amendments, this Medmont rezoning complaint is another example of discontentment from Roanoke residents as the city council attempts to increase the variety and availability of housing.

While there is general agreement that Roanoke faces a housing shortage, ideas diverge when it comes to where and how more dwellings should be built.

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