

# Roanoke Homeowners Sue City Over Policy Ending Exclusively Single-Family Zoning

A mayoral candidate and a former city attorney are among the dozen plaintiffs asking a Roanoke judge to invalidate the law.



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A group of Roanoke homeowners is suing the city over a recent zoning policy that encourages more multi-family housing and puts an end to single-family-only neighborhoods. A view of downtown Roanoke from the Mill Mountain Star Overlook Friday, Sept. 1, 2023, in Roanoke. FILE PHOTO BY SCOTT P. YATES FOR THE ROANOKE RAMBLER

A group of Roanoke homeowners is suing the city over a recent zoning policy that encourages more multi-family housing and puts an end to single-family-only neighborhoods.

City Council [last month adopted changes to the zoning code](#) that allows developers to build different types of housing — such as duplexes or small apartment buildings — in residential neighborhoods, with certain limitations.

City planners say localities across the country are adopting versions of this “upzoning” policy [to deal with a housing crunch and to better promote economic and racial integration](#). They’ve cited the 20th-century origins of single-family zoning districts as whites-only enclaves.

Depending on a neighborhood’s specific zoning, the change could allow for a maximum of eight units on corner lots in places like Raleigh Court, and triplexes in mostly single-family areas like Deyerle.

Mayoral candidate David Bowers and a former longtime city attorney, Bill Hackworth, are among the dozen plaintiffs who are asking a Roanoke City Circuit Court judge to invalidate the law.

The complaint filed last week in Roanoke City Circuit Court echoes lawsuits from homeowners in other Virginia communities, including Charlottesville and Alexandria.

While the lawsuit doesn’t cast doubt on Council’s power to adopt the zoning policy, it alleges the city’s public notices about the proposed change ran afoul of state law.

City Attorney Tim Spencer said Tuesday the city does not typically comment on pending litigation; the city had not filed a response in court as of Tuesday.

“We’ll be working to ensure that the best interests of the city are represented,” he said.

In essence, the residents claim Roanoke did not follow particular requirements to detail, justify or advertise the new zoning changes. Describing a newspaper legal notice, the suit claims, “This statement utterly failed to indicate the enormity of the proposed changes which substantially increase density in all single-family residential zoning districts.”

Anthony Stavola, one of the plaintiffs in the case, said he does not believe the zoning changes will boost affordable housing in the way city officials say it will.

“We acknowledge the fact that there are opportunities to develop additional multifamily housing in the city without...waving a wand and saying everybody and everybody's house is now open season,” Stavola said Tuesday on his porch in the Raleigh Court neighborhood. “But this is just a flawed solution that came out of a flawed process, and we want to be part of getting a better solution.”

The plaintiffs, a group of individuals and living trusts, allege they face “harm to [their] property rights and imposition of a burden different from that suffered by the public generally.”

Court papers allege that failures by the city to properly provide details of the proposed change meant that residents “were not reasonably able to determine if the proposed Zoning Amendments would apply to them or affect properties in which they had an interest.” The homeowners claim the city should have mailed notices to affected residents because of the extent of the change.

Prior to the lawsuit being filed, city staff noted that they held numerous open houses at local libraries to explain the proposal to residents. An official said more than 170 people attended and that the city distributed more than 300 yard signs that advocated for the reforms.

The package of zoning reforms also eased burdens on opening a nursing home, sober living house or other group living facility in largely commercial areas.

“This plan for the City of Roanoke is the best compliance it can have with the federal Fair Housing Act,” Spencer, the city attorney, said at a February Council meeting.

City staff have stressed that [the zoning reforms won't lead to a sudden rash of development](#), estimating fewer than 50 new housing units per year. The policy is not meant as a solution to the city's housing crisis, officials say, but as a tool to encourage the private sector.

Stavola and others, however, claim in the lawsuit that the policy “will result in greater traffic, increased parking congestion, loss of tree cover, and will negatively impact the character of the neighborhood” in which they live.

But the lawsuit also acknowledges — contradicting some arguments opponents to the reforms made at public hearings — that the policy “will likely result in higher tax assessments” because of increased property values.

“Indeed, multiple units next door to my property may raise my taxes because my taxes are based on a comparative to other properties in the neighborhood,” Bowers said in an interview. “However, I don’t think it enhances the livability value of my single-family home.”