

**Case**

ANTON E.B. SCHEFER v. CITY COUNCIL OF THE CITY OF FALLS CHURCH  
(Record Number 090803)

**From**

The Circuit Court of Arlington County; W.T. Newman, Jr., Judge.

**Counsel**

John H. Foote and Michael J. Coughlin (Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.) for appellant.

John Foster (Office of the City Attorney, Falls Church) for appellee.

**Assignments of Error**

1. The trial court erred in holding that Zoning Ordinance 1799 of the City of Falls Church does not on its face violate the requirement of Va. Code Ann. § 15.2-2282 that “[a]ll zoning regulations shall be uniform for each class or kind of buildings and uses throughout each district . . .”, when the Ordinance plainly imposes height regulations on the Petitioner’s property that are more restrictive than the height regulations applicable to other - identically zoned - properties.
2. The trial court erred in holding that the City was entitled to a dismissal of Petitioner’s equal protection claim, where Ordinance 1799 was facially discriminatory and the City had failed to establish that Ordinance 1799 was substantially related to the public health, safety, or welfare.

**Date Granted**

7-28-2009