

Bond Case Briefs

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Board of County Supervisors of Prince William County v. Oak Valley Homeowners Association, Inc.

Court of Appeals of Virginia, Arlington - March 31, 2026 - S.E.2d - 2026 WL 873963

Landowners brought action against board of county supervisors and developers, challenging three rezoning ordinances which permitted development of data centers as void ab initio.

The Prince William Circuit Court sustained the board's demurrer and dismissed the challenge. Landowners appealed. In a separate action, homeowners association and others also sought to invalidate the three ordinances. Following a bench trial, the Prince William Circuit Court entered judgment invalidating the ordinances. Board and developers appealed, and the appeals were consolidated.

The Court of Appeals held that:

- As a matter of first impression, trial court could not aggregate three rezonings when considering whether landowners had standing to challenge the rezonings;
- Landowners and homeowners association established standing;
- Board failed to submit a "correct and timely" request to newspaper to publish advertisements for meeting at which county would consider rezoning ordinance as required by statute governing advertising notice of meetings to amend zoning ordinances, and thus saving provision for when a newspaper "fails to publish the notice" did not apply to county's notices;
- First two newspaper advertisements of meeting at which board of county supervisors would discuss rezoning ordinances violated the statutory "where-to-review" requirement;
- Statute governing advertising notice of meetings to amend zoning ordinances did not preempt county ordinance's requirement that such meeting take place not less than five days after the final publication;
- County ordinance did not preclude board from continuing date of hearing on rezoning amendments in order to re-advertise the hearing; and
- Actual notice of the meeting did not excuse the deficiencies in the advertising.