



MISSING MIDDLE NEWS

Keeping Arlingtonians informed on the fight to STOP Missing Middle Housing & SAVE single-family neighborhoods

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April 17, 2026

FOX 5
WASHINGTON DC



Virginia Supreme Court hears Missing Middle arguments as projects advance



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On April 8th, Arlington homeowners finally had their voices heard at the highest level. The Arlington homeowner's attorney, Jay O'Keeffe, stood before the **Virginia Supreme Court** in Richmond and delivered a ten-minute oral argument.

The Heart of the Matter

The case pending in the Virginia Supreme Court hinges on a crucial procedural question: Should developer Wilsons Ventures have been allowed to jump into the legal battle over EHO after the trial was over and the judge ruled that EHO was void?

The trial judge said no. But the Court of Appeals said that the trial judge was wrong. The Court of Appeals ruling reversing the trial judge allowed the County to start issuing new EHO permits.

What's at Stake?

The VA Supreme Court's decision is expected in the coming months. It will either:

1. **Take the case for more briefing, arguments and a final ruling, or**
2. **Not take the case, which means that the Circuit Court will consider the case again, with Wilsons Ventures as a party.**

The appellate courts have focused on this procedural issue and have not addressed the trial judge's ruling that **Arlington County failed to follow state law** in adopting EHO.

A Note of Thanks

None of this—not the filings, the research, or the oral arguments—would be possible without your **donations**. You are the reason we've been able to push back this far.

Stay tuned, and thank you for standing with us.

– Neighbors for Neighborhoods

[\[listen to oral argument\]](#)

[\[read court transcript\]](#)

VESTED RIGHTS CASE IN ARLINGTON CIRCUIT COURT
2401 North Potomac Street



Heroic Effort by Neighbors

It sounds like something out of Perry Mason. Running out of time and options, a neighbor stepped in as a “pro se” litigant—representing himself— asking for a continuance of a vested rights hearing scheduled for March 23rd. Judge Padrick granted the continuance, giving the neighbors time to hire an attorney to represent them in opposing Old Creek Homes (OCH) plans to build six EHO townhouses at **2401 N. Potomac Street**.

The neighbors’ attorney filed papers asking the Court to allow the neighbors to intervene in the case and to dismiss OCH’s request that it be granted vested rights in its EHO permits.

Why is Challenging Vested Rights Important?

An Arlington Circuit Court’s declaration of vested rights is essentially a guarantee that a developer can complete its EHO project, even if the appellate courts ultimately decide that EHO is void.

In previous vested rights cases, and this one, the County Attorney did not object to the developers’ requests for declarations of vested rights and the judges were not provided with the relevant law about why these requests should be denied.

OVERHEARD IN ARLINGTON



Young Couple Moving Out

“My husband and I are putting our home on the market. We stand to lose an immense amount of value if this goes through. We have concerns about our neighborhood and the quality of life a medium-sized apartment building would bring to the area (parking congestion, noise, and loss of natural sunlight). We will deeply miss Arlington.”

COMING TO A NEIGHBORHOOD NEAR YOU



EHO UPDATE

7 New Approvals in 2026 ([EHO County tracker](#))

Neighbors are stepping up and challenging EHO approvals, including filing appeals to the Board of Zoning Appeals (BZA). Developers are beginning to see that it is not an easy path to build Missing Middle projects in Arlington.

3812 16th St. S; approved 2/27/26; six-unit apartment building.; BZA appeal

6119 11th St. N; approved 2/9/26; duplex; BZA appeal

800 22nd St. S; approved 3/30/26; 3 townhouses; neighbors considering BZA appeal

801 23rd St. S; approved 3/30/26; 3 townhouses; neighbors considering BZA appeal

4026 18th Rd. N; approved 2/9/26; duplex; neighbors fighting to save tree

1508 Walter Reed Dr. S; approved 2/27/26; six-unit apartment building

201 N. Barton St.; approved 4/9/26; 3 townhouses

8.6K YouTube views

Our overview video exposes the myth of Missing Middle as “affordable housing” for teachers, firefighters, and police. ([view video](#))



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Neighbors for Neighborhoods
1405 S. Fern St., Box 556
Arlington, VA 22202

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OUR MISSION

Neighbors for Neighborhoods (NfN) is a grassroots citizen's organization that supports the Arlington homeowners who sued the County Board to have Missing Middle declared illegal. NfN believes in preserving single-family neighborhoods and concentrating housing density near mass transit. We support efforts to provide housing that is affordable to low and moderate-income households.

email us: info@neighborsforneighborhoods.org



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