

Foote, John H.



"Spectacular – a great lawyer"

–Chambers USA: America's Leading Lawyers for Business

John's practice focuses on obtaining land use approvals and governmental permits through legislative, administrative, and judicial processes. He is experienced in all relevant areas affecting land including federal regulations of wetlands and waters of the United States, the state regulation of Chesapeake Bay Preservation areas and storm-water management, and historic preservation. John has also represented Virginia local governments in boundary adjustments and other municipal matters and has extensive background in local and state government administration. As an experienced litigator in both state and federal courts, John has appeared as counsel of record in a broad range of complex matters, and has argued numerous appeals to the Virginia Supreme Court and the U.S. Court of Appeals, Fourth Circuit. John served as Deputy County Attorney for Prince William County, Virginia, from 1977 until 1982 when he became the County Attorney. In both positions, he advised the Board of County Supervisors with respect to all matters, including land use, and was its chief litigator. He has since represented many clients in land use matters before the governing bodies and subsidiary boards of more than two dozen Virginia jurisdictions and numerous state agencies. John has written extensively in the area of land use and local government and is the author of the principal Virginia text on Planning and Zoning in the Commonwealth.

Representative Experience

Land Use

- Represented property owners and developers of residential, industrial, and commercial properties in, among other jurisdictions, New Kent, Caroline, Fauquier, Clarke, Frederick, Page, Culpeper, Albemarle, Rappahannock, Greene, Augusta, Stafford, Prince William, and Warren Counties, in the Cities of Manassas, Waynesboro, Winchester, and Fairfax, and in the Towns of Culpeper, Warrenton, Front Royal, Dumfries, and Occoquan.

Litigation

- *Gas Mart Corp. v. Board of Supervisors*, 269 Va. 334, 611 S.E.2d 340 (2005) (Chairman of court-appointed Litigation Steering Committee).
- *Glazebrook v. Board of Supervisors*, 266 Va. 550, 587 S.E.2d 589 (2003).
- *Turner v. Board of Supervisors*, 263 Va. 283, 559 S.E.2d 683 (2002).
- *Bd. of Supervisors v. Countryside Invest.*, 258 Va. 497, 522 S.E.2d 610 (1999).
- *Reistroffer v. Person*, 247 Va. 45, 439 S.E.2d 376 (1994).
- *Fairfax County v. Southern Iron Works*, 242 Va. 435, 410 S.E.2d 674 (1991) (Chairman of court-appointed Litigation Steering Committee).
- *Resource Conservation Management, Inc. v. Board of Supervisors*, 238 Va. 15, 380 S.E.2d 879 (1989).
- *VEPCO v. Prince William Co.*, 226 Va. 382, 309 S.E.2d 308 (1983).
- *Board of Zoning Appeals of Prince William County v. Bond*, 225 Va. 177, 300 S.E.2d 781 (1983).

Professional Recognition

- Named to *Best Lawyers® Best Lawyers in America*, 2017, for Land Use and Zoning Law, Litigation - Land Use and Zoning, Litigation – Municipal, Municipal Law, Real Estate Law
- Named to *Best Lawyers® Lawyer of the Year and Best Lawyers in America*, 2016, for Land Use and Zoning Law, Litigation - Land Use and Zoning, Litigation – Municipal, Municipal Law, Real Estate Law
- AV rated by Martindale-Hubbell (highest rating)
- Named to Virginia Business' 2016 Legal Elite in Real Estate/Land Use
- Recognized in Chambers & Partners, *Chambers USA*, Northern Virginia Real Estate: Zoning/Land Use
- Recognized as the Washington, D.C. 2013 Litigation – Land Use & Zoning "Lawyer of the Year" by *Best Lawyers in America®*
- Included in the 2013 "Top 100 Super Lawyers" for the Washington, D.C. area by *Super Lawyer Magazine* (Thompson Reuters)
- Listed in *Best Lawyers in America®* since 1999
- Identified as a "Super Lawyer" in Virginia and Washington, D.C., by *Super Lawyer Magazine* (Thompson Reuters)
- Named in *Who's Who in America*

Publications and Presentations

- "Planning and Zoning in Virginia," Handbook for Local Government Attorneys, 2016.
- "Land Use in Virginia in the New Millennium," Virginia Lawyer, April 2000.
- "Development Impact Fees: Is Virginia Ready for 'Pay as You Grow'?", Planning in Virginia, January 1987.
- "First English and Nollan: What Do They Portend?," Virginia Review, September/October 1987.
- "The Fair Housing Amendment Act and Group Homes for the Handicapped," Journal of Local Government Law, September 1977.

Community Involvement

- Governor's Commission on Transportation in Urbanized Areas (under Governor Mark Warner), Member
- Northern Virginia Transportation Alliance, Board of Directors, Former Member

Military Service

- United States Army, Infantry Officer in Vietnam, 1970–71

Practice Areas

[Litigation](#)

[Land Use and Zoning](#)

Environmental Matters

Education

University of Virginia School of Law, J.D., 1974

Louisiana State University, B.A., 1968

Professional Membership

Virginia State Bar Association (Former Chair, Section on Land Use)

Prince William County Bar Association (Former President)

Local Government Attorneys of Virginia (Former President)

American Bar Association

Board of Directors, Virginia State Bar Association, Section on the Education of Lawyers in Virginia

Admitted to Practice in:

Virginia

District of Columbia Superior Courts

U.S. District Court, Eastern District of Virginia

U.S. District Court, Western District of Virginia

U.S. District Court for the District of Columbia

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Sixth Circuit

U.S. Court of Appeals, Eleventh Circuit

U.S. Supreme Court

