

Project foes sue Alamo Heights

BY MEGAN RODRIGUEZ STAFF WRITER

Katherine Court residents have sued the city of Alamo Heights and its Board of Adjustment as they continue to push back against a proposed apartment complex on their street.

Four residents filed suit last week, calling for Board of Adjustment decisions dismissing certain items in a recent appeal filed by residents to be reversed.

City Manager Buddy Kuhn said it is too early to know what the next steps are in the lawsuit since it was filed so recently.

Ridgemont Properties, which operates several multifamily complexes in the area through a company called Alamo Heights Apartments, wants to build a three-story, 35-unit complex with 51 off-street parking spaces on Katherine Court. Earlier this month the company asked the Board of Adjustment to approve five zoning variances that would allow the project to move ahead as planned, but a decision on those variances was tabled until Feb. 2. Ridgemont Properties is listed in the lawsuit as an interested person.

At the same meeting, the board considered an appeal from Katherine Court resident James Loyd on behalf of nearby property owners saying that he thinks additional variances are needed. Some of the variances in the appeal were tabled or didn't get a vote because the board said it did not have the authority to weigh in. Others were dismissed without being added to the list of variances that Ridgemont Properties would need.

The board should reverse its decisions regarding three variances, according to the lawsuit. They concern drive width as well as the need for a landscape buffer on the east side of the development and the need for more canopy trees.

“We thought we'd found some variances that the project needed,” said John Feitshans, a Katherine Court resident on the lawsuit. “Once the Board of Adjustment rejected them, the only way that we could keep those issues on the table was to file a suit. ... Hopefully it gets us to the table with the developer and we get to negotiate something.”

Feitshans, 35, lives with his family across the street from the site of the proposed apartment complex. His wife Elizabeth Yust is also one of the plaintiffs.

C. Trebes Sasser Jr., vice president of Ridgemont Properties, said Ridgemont is moving forward as it had planned prior to the suit. Sasser said he would not comment on the lawsuit itself as it is between the city and Katherine Court residents.

The proposed complex has caused a stir among Katherine Court residents, many of whom vocally oppose it. They cite the planned appearance, parking and number of units outlined in Ridgemont's plans. But neighbors also have said they don't oppose redevelopment in general; they take issue with some of the plans that Ridgemont Properties has outlined.

"We all support redeveloping the site," Feitshans said. "We're all 100 percent in agreement that something better can go in there. But we just want them to follow the rules, and to just follow the Alamo Heights codes and procedures."

With her past experience looking at variances and interpreting city code thanks to her time serving on the Olmos Park City Council a few years ago, Katherine Court resident Deb Bolner Prost said she thinks that residents who are named in the lawsuit have valid reasons about why they think the three items in the lawsuit should need a variance.

Prost, 67, has lived in Katherine Court for about two years. She was not named in the lawsuit since she is more than 200 feet from the proposed development, but she has been involved with neighbors as they band together to make their voices heard regarding the apartment complex.

Plaintiff Joan Cunningham, 69, lives next to the proposed development so the lack of a landscape buffer on the eastern side of the site is particularly concerning to her. She said that without the buffer she worries about the noise and fumes nearby since the parking lot of the development would be next to her home.

"It's not the legalities. It's not the technicalities," Cunningham said as she explained the motivating factor behind the lawsuit. "It's the fact that our

concerns are just being totally dismissed, and that they are legitimate.”

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