

We Were What?

I suppose in our litigious society it was bound to happen sometime.

Case Number SA-11-CA-0064-XR in the United States District Court for the Western District of Texas, San Antonio Division is titled:

Ted D. Lee and Jerelene W. Lee, Plaintiffs,

V.

Whispering Oaks Home Owners' Association, Inc., Northside Neighborhoods for Organized Development, V. J. Neighborhood Association, City of San Antonio, Sylvia Diane Gonzalez-Cibrian A/K/A Diane Cibrian, Richard L. Higbie, Joel Garcia, Michael Makowski, Carl B. Sakes, William T. "Bill" Kaufman and William B. "Bill" Chenault III, Defendants

From Plaintiffs' statement of facts, "At the time Plaintiffs bought the property, Plaintiffs intended to build their home and move onto the subject property." "However, shortly after Plaintiffs purchased the property, the housing market collapsed." "High-end homes cannot be sold for the cost of building." "Therefore Plaintiffs had to re-access their plans." "On May 30, 2008, Plaintiffs filed an application to rezone Lots 1-5 (the "Subject Property") to R-6 . . ." "The zoning request was placed on the City Council agenda on February 19, 2009." "When Councilwoman Cibrian opposed the zoning request, the City Council, as it always does, deferred to the councilperson for that district (Defendant Cibrian) and rejected the zoning request."

The Plaintiffs contend that VJ's part of this 'vast Northside conspiracy' was:

"46. Another group called Vance Jackson Neighborhood Association (incorporated as V. J. Neighborhood, Inc.), which is a member of the Northside Neighborhoods, has also opposed the zoning request. Defendant Vance Jackson Neighborhood is approximately one mile away from the requested rezoning and has lot sizes therein much smaller than the requested R-6 (see Exhibit G). Based on information and belief, Defendant Vance Jackson Neighborhood opposes any increase in density, the same as Defendant Northside Neighborhoods."

We are required to serve our answer or motion to the plaintiffs' attorney:

Jesse R. Castillo, CATILLO SNYDER, P.C., Bank of America Plaza, Suite 1020, 300 Covent Street, San Antonio, Texas 78205

Writing as a layman, I am surprised that VJ was thrown into this.

Admittedly, the association can sometimes influence the City regarding zoning cases, but it's pretty clear from the record that the association does not control the Zoning Commission and City Council,

especially during the time frame in question. (The Mockingbird and Porsche cases come painfully to mind.)

Also, the association has historically been sensitive to land use and traffic issues. Some excerpts in Strategies under our association 1998 Goals show this:

1. Traffic

- To work with traffic engineers to address traffic issues in the neighborhood.

3. Land Use Development

- To work with developers and planners to provide compatible densities.

Finally, our association was only tangentially involved at best. Why? Because the property in questions was “approximately one mile away from the requested rezoning” and we had open zoning issues of our own at the time.

So we will contend our inclusion as a defendant is clearly without merit, but sadly, will probably have to engage legal representation and expend time and money to effectively represent the association. Even more sadly, a case like this could have a chilling effect on our ability to vigorously represent neighborhood goals and attract people to volunteer community service in the future.

So sad.

Ted Trakas, President
VJNI