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2009 zoning referendum overturned

Judge upholds Whitman in Bedford Twp. case

MONROE -- Auto dealer Jon Whitman will get the zoning changes he sought on his Bedford Township property, Judge Joseph Costello, Jr., ordered in his decision on Mr. Whitman's lawsuit against the township.

The lawsuit resulted in a four-day trial this month in Monroe County Circuit Court.

Judge Costello on Friday overturned the results of a May, 2009, referendum that overturned the township board's zoning modifications enacted in December, 2008, on five parcels of the Whitman auto dealership property near Lewis Avenue and Sterns Road.

The judge further ordered that Mr. Whitman get the zoning he sought on one of the parcels, contrary to a decision by the township board.

The ruling will result in zoning on land north of Sterns and adjacent to the Indian Acres subdivision changing from single-family residential to multifamily, senior residential, and professional business office.

North and south of the dealership along Lewis, land will be in a higher intensity commercial zone.

Judge Costello in his decision praised the group Bedford Watch, which campaigned for the referendum to overturn the zoning, as "a great example of our democratic society at work."

Supporters of the referendum said that rezoning could lead to construction of a Walmart or another big-box store.

The judge noted that although those who opposed the referendum claimed the campaign was biased and misleading, "opponents were free to counter it, but no one did."

Still, he ruled that the referendum inappropriately reversed the rezoning of the land.

Judge Costello ruled against Mr. Whitman four years ago in a zoning lawsuit against the township.

Mr. Whitman said yesterday that he was happy that "the judge saw it our way." Still, he fully expects the township to appeal.

"My family believes the township board hates us and will do anything to hurt us," Mr. Whitman said. "I don't think the township board will sit there and allow anything on our land. I don't think it's over."

Walt Wilburn, township supervisor, said that the board had approved Mr. Whitman's rezoning requests on five of six parcels -- a decision reversed by the referendum -- in an effort to prevent a court case.

"We gave him everything he asked for, except for one piece, so I don't think he needs to be blaming us," Mr. Wilburn said.

An appeal is not certain, he said.

"We'll have to take into consideration what the attorney's advice is and take it from there," Mr. Wilburn said.

One factor will be the legal bills from the lawsuit and the potential cost of an appeal.

"You can't not look at that in these economic times," Mr. Wilburn said.

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