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Bedford Twp. group used scare tactics to zoning referendum, official testifies

MONROE -- Bedford Township Supervisor Walt Wilburn said Tuesday a citizens group that launched a successful ballot referendum that overturned the rezoning on the Whitman Ford property used scare tactics to win voter approval.

Mr. Wilburn, who testified during the second day of the trial of the civil lawsuit filed by Jon Whitman against the township, said Bedford Watch was "less than truthful" in its literature and used "false advertising" to promote its cause.

To urge residents to vote against zoning changes, the group used campaign signs and posted information on its Web site, **Bedfordwatch.com**, that said the dealership land would be used to build a big box store, specifically Walmart.

Mr. Wilburn, elected supervisor in 2004, said he never said publicly he didn't like the messages Bedford Watch was sending because of his position as an elected official.

"I kept my opinions to myself," he said when questioned by Thomas Hanson, the attorney who represents Whitman Ford and Jon Whitman, company president.

A voter referendum overturning zoning changes enacted by Mr. Wilburn and other members of the township board was approved in May, 2009. The amendments were overturned by a 300-vote margin.

Mr. Whitman testified that he didn't have a buyer or developer for the site when he filed the rezoning application and sought the modifications to make the land attractive to potential developers.

The suit, filed in July, 2009, asks Monroe County Circuit Judge Joseph Costello, Jr., to reverse the vote that affected zoning on about 34 acres of farmland near the dealership at Lewis Avenue and Sterns Road. Mr. Whitman also seeks to change the zoning on eight acres adjacent to the dealership from single-family residential to zoning that would allow commercial development.

The township board, in taking action on Mr. Whitman's zoning requests in December, 2008, rejected the modification because they believed commercial zoning would not provide an adequate transition to residential zoning and wasn't compatible with the township's master plan.

The interpretation of the master plan in the appropriate use for the land-locked parcel, which now is zoned for single family residential use, has been the lengthy subject of questioning during the trial.

The master plan designates the property should be used for a mix of residential, office, or commercial, and Mr. Whitman said that would let the land be rezoned for commercial development.

After denying the rezoning request, the township took steps to administratively amend the zoning from residential to allow for construction of professional businesses offices without consulting Mr. Whitman. The board dropped the action after the voter referendum was approved.

David Birchler, the plaintiff's witness and a professional planner, told Judge Costello Tuesday the commercial zoning Mr. Whitman wanted for the property would be the best use and would comply with the master plan.

Mr. Birchler of Lathrop Village, Mich., said the professional business office that the township proposed or the existing residential zoning would not be the best use.

"It does not incorporate the mixed use wanted in the master plan and it is not currently consistent with the master plan," he said.

The trial is to resume Wednesday.

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