

Whitman contends he was treated differently by board

■ In a trial concerning property on Lewis Ave. near Sterns Rd., Jon Whitman and his attorney contend that the citizens group Bedford Watch influenced the township board and spread false information that led to the defeat of a referendum about rezoning the land.

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Jon Whitman's attorney believes Bedford Township has created "special rules" when it comes to rezoning his property.

"The township has a special set of rules — The Whitman Rules — when it comes to this property," said Thomas Hanson, Mr. Whitman's attorney.

During his opening remarks, Mr. Hanson, an attorney with Dykema Gossett in Dallas, said the township listened to the citizens action group Bedford Watch in determining how to zone the property.

"There is a term for that: NIMBY," Mr. Hanson said. "It's that 'Not in My Back Yard,' or NIMBYism, that has put an end to rezoning this property."

Mr. Whitman, the owner of Whitman Ford Co., headed back to court suing Bedford Township over the zoning of his property located on Lewis Ave. near Sterns Rd. in Temperance.

The trial got under way Monday in the courtroom of Monroe County Circuit Judge Joseph A. Costello Jr.

The current lawsuit stems from a May, 2009, referendum vote in which township voters rejected the zoning of property. The citizens group Bedford Watch collected enough signatures to place the referendum on the ballot.

In December, 2008, Mr. Whitman requested to rezone six parcels of his land located at Lewis Ave. and Sterns Rd. The township board voted to rezone five of the six parcels.

The "no" referendum vote, which was separated by fewer than 300 votes, reversed the zoning classification of the five parcels to their previous status. About 13 acres of land reverted to single-family residential and about seven acres on Lewis Ave. became C-2 commercial property, a less-intensive commercial development.

Mr. Whitman testified regarding the previous attempts to rezone his property and the controversy surrounding his negotiations with Walmart to build on the property.

"This has been the most controversial thing in Bedford that has ever happened," Mr. Whitman said. "We've tried to do the right thing."

Mr. Whitman testified on the history of the car dealership and the contributions his family has made to the community, including the YMCA and Whitman Center campus of Monroe County Community College.

During testimony, Mr. Whitman said when the family first submitted its zoning proposals to the township back in 2001, the Ford dealership was hoping to expand to add Chrysler or Honda models and become more of an "auto mall." Thinking his property was zoned commercial, Mr. Whitman said he also had interest from stores including Farmer Jack, Kohl's, Lowe's, Meijer and Walmart to build on the property.

When he was first approached by Walmart, Mr. Whitman said he met with neighbors to discuss the prospect of the retailer building on the property.

"My life has never been the same," Mr. Whitman testified. "There is ongoing hatred. My family has been the victims of personal attacks."

Mr. Whitman talked about Bedford Watch and how he felt the group influenced voters decisions on the referendum using its Web site to promote information he felt was false.

"The township board members sided with them," Mr. Whitman said. "On their Web site, they said Whitman Ford is for sale. Our competitors use that against us."

Mr. Whitman said the Bedford Watch Web site also has mentioned that the township would be burdened by a larger retail development such as a Walmart.

"They said it would put a strain on the police and cause traffic nightmares," Mr. Whitman said.

In February, 2007, Mr. Whitman lost in Monroe County Circuit Court against Bedford Township. Shortly after the 2007 trial, Mr. Whitman said he paid \$30,000 to \$40,000 to commission a road survey by the road commission that found "negligible or minimal impact."

In spring, 2008, Mr. Whitman said he had an agreement with Toledo's Rudolph Libbe, a development firm, with an option to buy the Whitman property in the future.

"When they were convinced they couldn't do anything with the land, they canceled that option," Mr. Whitman said.

He also testified he has not had any further negotiations with Walmart to build on the property.

Philip Goldsmith of Lennard, Graham and Goldsmith is Bedford Township's attorney. He did not offer opening statements.

Many of the same people who testified in the 2007 trial are expected to testify in the current trial, which is expected to last three to four days.