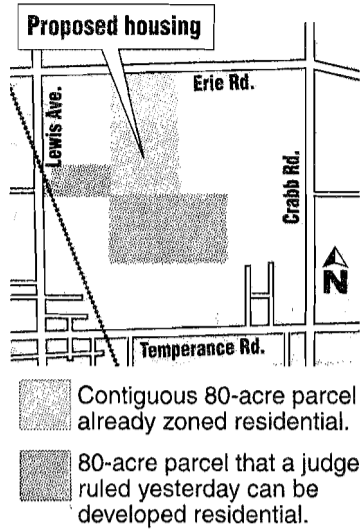


Ruling backs Bedford development

Township board's denial of rezoning was arbitrary, judge declares



THE BLADE

By **BENJAMIN ALEXANDER-BLOCH**
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MONROE — A judge's ruling in favor of a developer yesterday will pave the way for construction of the largest housing subdivision in Bedford Township.

The decision by Judge Michael W. LaBeau of Monroe County Circuit Court allows development of the proposed 450-homes Albring Farms just north of Temperance, a sleepy town a few miles north of Toledo, which has lost population as fast as the township, the city's largest suburb, has gained it.

Attorneys for Bedford Partners LLC said the judge confirmed their position that the

township's earlier denial of their rezoning request had been arbitrary and capricious.

The developers will build their subdivision on about 160

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Dennis Jenkins,
Bedford Township's planning and zoning coordinator

acres just north of Temperance fronting Erie Road, between Lewis Avenue and Crabb Road.

In August, 2005, the township's board of trustees rejected a residential rezoning request for half the parcel, which is

zoned agriculture.

Mark Brant and Ron Blank of Bedford Partners LLC filed the suit against the township after the rezoning denial.

The adjoining 80-acre parcel owned by the developers is already zoned to allow for a subdivision.

The township's attorney said the judge decided a residential use was a better fit for the property than its current agricultural designation.

Mr. Brant said he looks forward to the work ahead.

“While it's unfortunate that it took a lawsuit to force the township to allow us to develop our land, we look forward to moving

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ahead with what will become one of the nicest subdivisions in the township,” he said.

Dennis Jenkins, the township's planning and zoning coordinator, wondered what effect the decision will have on the character of township, which is the fastest growing area in Michigan's Monroe County.

“Obviously it will have an ef-

fect on Bedford Township. It could lead to a lot more traffic,” Mr. Jenkins said. “But it's going to be interesting to see how this plays out.”

But Mr. Jenkins said the decision's ultimate effect probably won't be visible for years to come.

“Right now, there won't be an immediate impact from this because of the slow housing market,” he said. “But in a decade, I think we'll see the township is a different place.”

The court decision is the second ruling on a Bedford Town-

ship board rezoning denial in as many months.

In January, Circuit Judge Joseph A. Costello ruled against claims the township board inappropriately denied rezoning from residential to commercial.

Jon Whitman, the president and owner of the Whitman Ford auto dealership at Sterns Road and Lewis Avenue, had filed a lawsuit claiming the township had arbitrarily and capriciously denied his two rezoning requests.

Mr. Whitman had a contract with Wal-Mart to build a Super-

center on the parcel if the judge had ruled in his favor.

But the decision yesterday applies to residential, not commercial, development in Bedford.

In September, the township board gave preliminary approval to plats one and two for Albring Farms on the first 80-acre parcel along Erie.

The developers and township officials are scheduled to meet 1:30 p.m. Tuesday in front of Judge

LaBeau to discuss alterations Bedford Partners may have to make to its site plans. Mr. Brant said they may have to better conserve some of the parcel's woods and wetlands.

During the three-day trial, township attorney David Landry argued the contested land was zoned agricultural, could be used as agriculture, and therefore should remain agriculture.

But Susan Friedlaender, the

developers' attorney, persuaded the judge the land is better suited for residential use than farmland because of its location. She said she agreed with Mr. Landry that the land can be used as farmland, but she said the point was that it would be “better suited” for residential use.

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