

THE HISTORY OF THE ADOPTION OF ZONING IN MADISON TOWNSHIP

Ohio Townships were first granted the authority to adopt local Zoning regulations through legislation passed by the Ohio General Assembly in 1947. The first documented discussions regarding zoning in Madison Township occurred at the Board of Township Trustees meeting of March 24, 1951. At that March 24th meeting, Township Trustees Dennis Smead, Eugene Miller and Jerome Emerson were presented with a petition from the "North Madison Improvement Association". The group's petition asked that the Trustees proceed under the requirements in the "Ohio General Code" for Township Zoning, and to adopt a plan of zoning only in the unincorporated area of Madison Township known by the Board of Elections of Lake County, Ohio as Precincts D & E. The boundaries of Precinct D & E as described by the Lake County Board of Elections in 1951 were as follows: ***Bounded on the north by the low waterline of Lake Erie, on the east by the centerline of Countyline Road, on the south by a line 400 feet south of the centerline of United States Route No. 20, also known as North Ridge Road, and parallel to said Route No. 20; and on the west by the centerline of Townline Road.*** After reviewing the petition presented by the "North Madison Improvement Association", the Board of Township Trustees agreed to look further into the matter and do whatever possible to establish this zone.

At the Board of Township Trustees meeting of April 14, 1951, the Trustees adopted a resolution appointing five citizens to the first Madison Township Zoning Commission to study the creation of a zoning plan for Precincts D & E. The five citizens appointed to the first Zoning Commission were: Mrs. Roberta Staley, Mrs. Ruth M. Herr, Frank Lawrence, Joseph J. Sintic and William G. Wehr who would later become the Zoning Commission Chairman. At the April 28, 1951 Township Trustees regular meeting, Zoning Commission Chairman William Wehr was present to discuss with the Trustees information relative to the new Zoning Board. It was decided that the Trustees and Mr. Wehr would meet with the Lake County Prosecutor to discuss the particulars of zoning.

On August 21, 1951, the Board of Township Trustees held a Special Meeting to decide whether to have a public hearing on the proposed zoning plan, and Zoning Resolution for Precincts D & E studied and created by the Zoning Commission. After some discussion, the Trustees all agreed to set a Public Hearing for September 24, 1951 at 8:00 PM to be held at North Madison School located on Route 20 (North Ridge Rd).

On September 24, 1951, the Board of Township Trustees held a Public Hearing at North Madison School to have public discussion on the adoption of zoning in Precincts D & E. There was much discussion at that hearing regarding the pros and cons of creating this new zoning district. At the conclusion of the Public Hearing, Trustees Dennis Smead, Eugene Miller and Jerome Emerson adopted the following resolution:

The Board of Township Trustees of Madison Township, Lake County, Ohio, met this 24th day of September, 1951, in Special Meeting at the North Madison School, in Lake County, Ohio, all Trustees being present and waived notice of the holding of said Special Meeting.

Present: D.R. Smead, Eugene Miller and Jerome Emerson.

Mr. D.R. Smead moved the adoption of the following resolution:

WHEREAS, the Zoning Commission of Madison, Lake County, Ohio, heretofore appointed by this Board has recommended to this Board the adoption of a resolution providing zoning for Precincts D and E in Madison Township, and

WHEREAS, this board has held a public hearing on said Zoning Resolution according to law.

NOW THEREFORE, BE IT RESOLVED:

SECTION I. That this Board of Township Trustees of Madison Township, Lake County, Ohio, adopt the proposed zoning resolution for Precincts D and E in Madison Township, Lake County, Ohio.

SECTION II. That the Trustees certify said action to the Lake County Board of Elections to the end that the question of whether or not the zoning resolution as proposed for Precincts D and E in Madison Township, Lake County, Ohio, be adopted, be placed on the Ballot at the November 6, 1951 General Election.

Mr. Eugene Miller seconded the resolution and the roll being called upon adoption the vote resulted as follows: "AYES" – D.R. Smead, Eugene Miller and Jerome Emerson. "NAYS" – None.

The Trustees minutes do not reflect whether all the registered voters in Madison Township would vote on this zoning issue, or just the residents living Precincts D & E. However, at that November 6, 1951 General Election, the adoption of a zoning plan for Precincts D & E in Madison Township was voted down, and the matter appeared to have died.

The next public discussion with the Board of Township Trustees regarding zoning in Madison Township did not occur until January 22, 1955. At that January 22nd meeting, a group of residents representing the Farm Bureau Council #1 discussed with Trustees Milton Nichols, John Ritola and Allen Beebe limited zoning in Madison Township. Once again, on February 26, 1955 at the Board of Township Trustees meeting, further discussion took place between representatives of the Farm Bureau and the Trustees regarding adopting zoning in the township. At the Board of Township Trustees meeting of November 12, 1955, a list of names were presented to the Trustees from the Farm Bureau Council #1 recommending the names of various residents of the township to sit on an appointed Zoning Commission to study the adoption of zoning regulations for Madison Township.

At the Board of Madison Township Trustees meeting of January 28, 1956, Trustees Milton Nichols, John Ritola and Allen Beebe adopted two resolutions. The first resolution authorized the study of a plan of Township Zoning which would be in the best interest of the Township and the inhabitants thereof for the unincorporated areas of the Township. The proposed plan of zoning is to conform with Sections 519.02 to 519.25 inclusive of the Ohio Revised Code. The second resolution adopted in that January 28th meeting appointed five residents of Madison Township to sit on a newly created Zoning Commission to study the plan of zoning for the township. The five residents appointed to sit on that Zoning Commission were: Joseph Gehring, Robert Stimpert, Mrs. Steve (Elsie) Drzik, Earl Buchanan and Paul Faust. After numerous meetings and months of deliberation by the Zoning Commission, the Board of Township Trustees held a joint Public Hearing with the Zoning Commission in the Auditorium of Madison Memorial High School in Madison Village on July 20, 1956. About 75 residents attended that Public Hearing. At the conclusion of that Public Hearing, the Board of Township Trustees, Milton Nichols, John Ritola and Allen Beebe, adopted the proposed Zoning Resolution and Zoning Map. That resolution authorized taking the question of zoning to the residents of Madison Township for a vote of approval at the next General Election in November of 1956. The residents of Madison Township did not approve the plan of Township Zoning at that November 6th General Election. However, at the Board of Township Trustees regular meeting of November 24, 1956 a group of citizens, who were not to be discouraged, were present to discuss with the Trustees continued efforts to adopt zoning in the township. They

informed the Trustees that twelve citizens were out with petitions in the community regarding implementing zoning in the township.

In a Special Meeting of June 17, 1957, held at the Madison Public Library on Main Street in Madison Village, the Board of Trustees once again set a Public Hearing date to discuss the proposed Zoning Plan. In that June 17th Special Meeting, Trustee Milton Nichols moved that the Trustees advertise that a hearing be held on the Zoning Resolution as approved by the Lake County Planning Commission and the Zoning Commission. The Public Hearing was to be held at Madison Memorial High School on Friday night July 19, 1957 at 8:00 p.m. The Township Clerk was also instructed to place copies of the proposed Zoning Resolution and Zoning Map in the Madison Public Library. There is no official minutes from that Public Hearing of July 19th in the Trustees' minute book. On July 29, 1957, the Board of Township Trustees once again held a Special Meeting in the Township Hall to discuss the proposed Zoning Plan with three members of the Zoning Commission: Mrs. Drzik, Mr. Stimpert and Mr. Buchanan. They discussed recommended changes to the Zoning plan before adopting it and ordering an election.

In a Special Meeting held on August 1, 1957, the Board of Madison Township Trustees, Milton Nichols, John Ritola and Allen Beebe, once again unanimously adopted a resolution for a plan of zoning in the unincorporated areas of Madison Township. The resolution stated the following:

“Adopting Zoning and Ordering an Election”

BE IT RESOLVED by the Board of Trustees of Madison Township, Lake County, Ohio, said Board having had certified to it the recommended plan for zoning the unincorporated areas of Madison Township from the Madison Township Zoning Commission, and having held a public hearing on the same, due notice of which was given by publication, hereby orders the question of whether or not the proposed plan of zoning shall be put into effect to be submitted to the electors residing in the unincorporated area of the Township included in the proposed plan of zoning for their approval or rejection at the regular election to be held November 5th, 1957.

BE IT FURTHER RESOLVED that the Clerk submit a certified copy of this resolution to the Board of Elections of Lake County.

At that General Election of 1957, the residents of the township approved the zoning plan for the unincorporated area of Madison Township. The Board of Township Trustees wasted no time and immediately implemented the enforcement of zoning. At the Board of Township Trustees Regular Meeting of November 9, 1957, they appointed the first Zoning Inspector, Mr. George Spear, who was paid \$150.00 a month to enforce the new Zoning Resolution. Mr. Spear's tenure as the first Zoning Inspector was short and lasted only sixteen days. On November 25, 1957, the Board of Township Trustees called a Special Meeting, and accepted Mr. Spear's resignation as Zoning Inspector. No reason was given in the Trustees' minutes for Mr. Spear's resignation. In that same Special Meeting, the Trustees then appointed Mr. Chester Doubledee as the second Zoning Inspector at the salary of \$125.00 a month plus mileage for his personal vehicle. Lastly, in that November 25th meeting, the Board of Township Trustees appointed five residents to a newly created Board of Zoning Appeals. The residents appointed to the first Board of Zoning Appeals were: Nicholas Square, Elden Knape, Robert Stimpert, George Cermak and Kenneth Beer. The Madison Township Zoning Resolution has been actively enforced, and amended numerous times since 1957.

In early 1981, the Madison Township Zoning Commission lead by Chairman Bill Wolfinger, and Commission members Norah Austen, George Kuharick, Dave Braunlich and Jim Perdue held public workshop meetings on the creation of a Comprehensive Zoning Plan for Madison Township. The

purpose of the Comprehensive Plan was to give the Zoning Commission and Township Trustees a guideline for future rezoning requests and a long-range plan for future development in the township. After numerous workshop meetings and public hearings, the Zoning Commission recommended adoption of the first Comprehensive Zoning Plan to the Board of Township Trustees. On August 18, 1982, the Board of Township Trustees held a Public Hearing regarding the proposed plan. Various suggestions and modifications to the Comprehensive Plan came out of that Public Hearing, allowing additional refinement to it. On November 9, 1982, Township Trustees Robert Gardner, Charles Welsh and Glenn Kershaw unanimously adopted Resolution #82-024 approving the first Comprehensive Zoning Plan for Madison Township. The Comprehensive Plan has been amended a number of times since 1982. Over the years, the Comprehensive Plan has become a very important tool for the Zoning Commission, and the Trustees, when considering changes and amendments to the Township Zoning Resolution and Zoning Map.

The History of the Adoption of Zoning in Madison Township was researched and written by Kenneth R. Gauntner Jr. October 2016. The information contained in this document was derived from the official minutes of the Board of Madison Township Trustees 1950 through 1982.