



**MINUTES REGULAR MEETING
REYNOLDSBURG PLANNING & ZONING BOARD
October 2, 2025**

CALL TO ORDER

ROLL CALL

PRESENT: Alabi, Benner, Kleckley, Ward

ABSENT: Barnhart, Brusk, Furst

Mr. Benner made a motion to excuse the absences of all board members who were not in attendance.

Ms. Kleckley seconded the motion.

RESULT:	4-0
MOVER:	Benner
SECONDER:	Kleckley
AYES:	Alabi, Ward, Kleckley, Benner

APPROVAL OF MINUTES

Planning & Zoning Board - Regular Meeting - 9/18/2025

Minutes stand approved.

APPROVAL OF AGENDA

Agenda stands approved.

SWEARING IN OF SPEAKERS

Speakers sworn in by Mr. Benner.

PUBLIC COMMENT

None.

UNFINISHED BUSINESS

6050 E. Livingston Avenue; Timothy J. McGrath for MYM Property Management, LLC.; Appeal to Zoning Code and Building Code Violation/Cease and Desist

Ms. Barnhart is in attendance.

Ms. Bauthier read the staff report into the record.

Mr. Benner invited the appellant to speak at the podium.

Mr. Tim McGrath, the attorney for MYM Property Management, stated that the property in question sits on a small extension of the municipal boundary, surrounded by land both inside and outside the city. He stated the site was previously used for auto repair, designed specifically for that purpose with six service bays, an office, and support spaces. He stated the current owner, Mr. Ahmed Sami, bought it in April 2022 intending to continue auto repair operations, consistent with how the property has always been used. He stated the zoning was changed to Innovation District, which does not allow auto repair, creating a mismatch between the zoning and the existing built environment. He stated surrounding uses—including a Goodyear store, another tire shop, towing business, car sales lot, gas stations, and restaurants—also don't align with the Innovation District's intent, highlighting the district's incompatibility with the area's established pattern. Mr. McGrath said that this is a pre-existing nonconforming use, and the property should continue to be allowed for auto repair. He stated the current code enforcement order has been complied with, and the building is vacant. He suggested that the board could find the order satisfied and allow them to return later with a formal zoning certificate application after working with city legal staff—making clear they will not resume business without proper zoning clearance.

Mr. Benner asked Mr. McGrath if his client was going to speak, and Mr. McGrath said no.

Mr. Benner asks if there are any questions from the board.

Ms. Ward stated that Mr. McGrath said the property is for sale, and asked him if he wanted a zoning variance for a vacant building.

Mr. McGrath clarified that the property is not intended to remain vacant. He stated it is currently listed for sale as is, but there have been no offers while the zoning issue remains unresolved. He stated the building is purpose-built for auto repair, and that is essentially its only practical use. Mr. McGrath said the zoning issue is addressed, the current owner is prepared to either use the property for that purpose or sell it to someone who will.

Ms. Ward asked if in order to sell the property, they want it zoned for the use that is there.

Mr. McGrath stated it could just be a determination, and that a zoning certificate could be approved with the understanding that this is a legal non-conforming use.

Mr. Benner stated that this is not the first time this case was before the board, and that it was previously tabled. He stated the board previously expressed that it would be best if this case was worked out between the appellant, staff, and the city attorney. Mr. Benner asked if they had reached out to staff or talked to the city attorney.

Mr. McGrath stated that the ball was in their court for that, and that they're still working on getting the zoning guidance that they want to have.

Mr. Benner asked if Mr. McGrath was disputing any of the facts read into the record by Ms. Bauthier.

Mr. McGrath stated that no they are not disputing the facts and that the facts are accurate.

Mr. Benner stated that while the applicant described the property as an anomaly surrounded by Columbus and other commercial uses, the core facts of the zoning case remain unchanged. He asked Mr. McGrath if he is correct.

Mr. McGrath states that the district itself is anomalous and it doesn't fit what is existing in that part of the city.

Mr. Benner stated that the board's role is to enforce the zoning code. Since the appellant is not disputing the facts of the case, he stated that the board has no alternative course of action besides denial unless new factual information is presented.

Mr. McGrath stated that his request is for the board to follow Ohio state law, noting that while the violation falls under Reynoldsburg's zoning code, that code itself is enabled by Ohio statute.

Attorney Shook clarified the legal framework surrounding nonconforming uses under state and local law. He explained that Ohio's default rule allows a two-year

period during which a nonconforming use may continue after zoning changes, as long as the use isn't discontinued for more than two years, and that municipalities can shorten this to no less than six months. He stated that Reynoldsburg's current zoning code specifies a three-month period, which is legally too short under state law. He noted that the city is already in the process of updating the zoning code to address this issue. Attorney Shook stated the legal question before the board is whether the city's three-month provision should be entirely stricken, defaulting to the two-year state standard, or interpreted as six months to align with state law's minimum. He stated that courts typically prefer to interpret local ordinances in a way that avoids invalidating them, so Attorney Shook's position is to default to six months, consistent with council's intent, and under that interpretation, the nonconforming use in this case would fall outside the allowed period. He acknowledged that there's no clear case law directly resolving this question, making it an issue of first impression for the board.

Mr. McGrath stated that he agreed with most of the legal interpretation but added that under state law, discontinuance of a nonconforming use typically requires intentional abandonment. Citing case law, he explained that simply closing a business temporarily does not constitute discontinuance if there was no intent to permanently stop the use. In this case, he argued that neither the previous owner nor the current owner ever intended to abandon the use of the property, so the closure should not be considered a legal discontinuance.

Attorney Shook confirmed that the argument about intentional discontinuance is valid but emphasized that the board must decide whether the property owner voluntarily discontinued the use. He pointed out that the owner was notified in September 2024 to obtain a certificate of occupancy but failed to do so. From a legal perspective, Attorney Shook argued that failing to act when there's a clear duty constitutes a voluntary choice—therefore, in his view, this inaction could legally be interpreted as voluntary discontinuance of the nonconforming use.

Mr. Benner asked if Mr. Sami owned the property and Mr. McGrath answered yes.

Mr. Benner asked the board to get more involved. He stated that the board sent this case to be resolved by the appellant and the city attorney and the appellant failed to take advantage of that. He stated that the facts are not disputed.

Ms. Barnhart stated she is thinking about the intent of the zoning code and the fact that the property is in the Innovation district, and how that is the intent of city council and the board should support it. She stated that it is the goal of the city to change that area over time.

Ms. Alabi asked if they received notice in September of 2024.

Mr. McGrath stated that he is not familiar with that, but that Mr. Sami had been to city hall many times trying to figure out the process. He stated that Mr. Sami has not ignored the notice, he just has not succeeded yet.

Ms. Alabi stated that the appellant had a considerable amount of time.

Attorney Shook stated that he cannot dispute factually how many times the property owner has been to city hall. He said the notice was issued in September 2024 that they needed to obtain a certificate of occupancy. He stated that that was the city being gracious, since they could have just issued a cease and desist. Attorney Shook stated that nothing was done until the property owner came in this summer to apply for a different zoning permit. He stated nothing was done for at least more than six or seven months.

Mr. Benner asked for clarification if anything was filed.

Attorney Shook stated there was nothing he was aware of.

Mr. McGrath stated that the order has been complied with.

Mr. Benner moved to deny the appeal.

Ms. Alabi seconded the motion.

RESULT:	5-0
MOVER:	Benner
SECONDER:	Alabi
AYES:	Barnhart, Kleckley, Ward, Alabi, Benner

NEW BUSINESS

None.

OTHER BUSINESS

2026 Zoning Calendar

Ms. Bauthier showed the board the proposed 2026 Planning and Zoning Board calendar.

Mr. Benner made a motion to adopt the calendar.

Ms. Kleckley seconded the motion.

RESULT:	5-0
MOVER:	Benner
SECONDER:	Kleckley
AYES:	Alabi, Ward, Barnhart, Kleckley, Benner

ADJOURNMENT

Adjourned at 6:28 PM.

Planning and Zoning Administrator

Chairman