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IN THE COURT OF COMMON PLEAS, LICKING COUNTY, OHIO

LICKING COUNTY
COMMON PLEAS COURT

John Thornborough, et al.,

Appellants,

Case No. 2007-CV-01076

2007 NOV 16 P 1:45

-vs-

Judge Spahr

FILED
GARY R. WALTERS
CLERK

Council of the Village of Granville, Ohio,
et al.,

Appellees.

BRIEF OF APPELLEE DENISON UNIVERSITY

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Statement of the Case

This is an appeal under the provisions of Section 2506.01 et. seq. of the Ohio Revised Code. Appellants have appealed from the decision and order of the Council of the Village of Granville, Appellee, which approved Denison University's zoning application and architectural plan for a proposed renovation and addition to Cleveland Hall, a building on the University's campus.

The Village Planning Commission approved the University's application and the Village Council, on a de novo appeal, affirmed the Planning Commission's decision. The Village Council issued its Decision of Council and Findings and Conclusions of Fact ("Decision of Council") which is a part of the record. Appellants' Notice of Appeal to this Court was timely filed.

Denison University, which was not named as a party by Appellants, sought to intervene by motion filed October 24, 2007. The Court granted the University's motion by judgment entry filed November 8, 2007, and the University was joined as an Appellee.

The University respectfully submits that the Decision of Council is not arbitrary, capricious, unreasonable or contrary to law. The Decision of Council is supported by the evidence. See RC 2506.04.

The University respectfully submits that the Decision of Council should be affirmed.

Statement of Facts

Denison University, as the applicant before the Planning Commission of the Village of Granville, sought approval for its renovation and architectural plans with respect to Cleveland Hall located on its campus in Granville, Ohio. Cleveland Hall was constructed in 1904 as a gymnasium. In the 1970's, the University converted the building to its studio arts building. According to University President Dale Knobel, the building is no longer adequate for that purpose. Decision of Council at 1.

Rather than demolish the building, the University's application and related plans provided for the renovation of Cleveland Hall and a new addition to the building to serve as the artist's studio. In designing the addition, the architectural plans were proposed to insure that sufficient light would be available to the studio and that the renovation and the addition were consistent with the Guidelines for Rehabilitating Historic Buildings established by the Secretary of the Interior. The proposed design satisfies these Guidelines. Id.

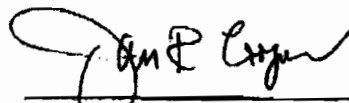
After hearing, the Village Council affirmed the approval of the University's application. Id.

Argument

Denison University, Appellee, joins in the Law and Argument set forth on behalf of the Council of the Village of Granville, Ohio, Appellee. The record and the evidence strongly sets forth, notably in the testimony of Jack Beyer, a partner with the internationally known New York architectural firm of Beyer Blinder Belle, that the University was most concerned with the preservation of a historical building on its campus and its compatibility with the campus periphery and surrounding and adjacent uses. See Section 1169.01, Village Zoning Code.

Conclusion

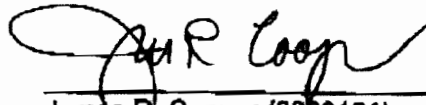
For the reasons set forth, the Decision of Council which approved the application of Denison University for the zoning and architectural review permit for Cleveland Hall should be affirmed.



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PROOF OF SERVICE

A copy of the foregoing was served on Geoffrey Graham Judge, 964 North 21st Street, Suite A, Newark, Ohio 43055, Attorney for Appellants; and upon D. Michael Crites, Law Director, Village of Granville, and James R. Gorry, Assistant Law Director, Rich, Crites & Dittmer, LLC, 300 East Broad Street, Suite 300, Columbus, Ohio 43215, Attorneys for Appellee Village of Granville, by ordinary U.S. mail, postage prepaid, this 16th day of November, 2007.



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