

IN THE COURT OF COMMON PLEAS, LICKING COUNTY, OHIO

John Thornborough, et al.,	:	
	:	
Appellants,	:	Case No. 2007 CV 01076
	:	
vs.	:	Judge Spahr
	:	
Council of the Village of Granville, Ohio,	:	
et al.,	:	
	:	
Appellees.	:	

MEMORANDUM OF APPELLEE VILLAGE OF GRANVILLE IN SUPPORT
OF DENISON UNIVERSITY'S MOTION FOR PARTIAL MODIFICATION
OF THIS COURT'S JUDGMENT OF MARCH 10, 2008

Now comes Appellee Village of Granville in support of the motion of Appellee Denison University for partial modification of this Court's Judgment of March 10, 2008, which would allow Denison University to continue with construction on Cleveland Hall.

The objections by Appellants, the appeal to Village Council taken by Appellants, and the subsequent appeal to this Court by Appellants all dealt with, and only with, the architectural review of the proposed addition to Cleveland Hall. In its judgment of March 10, 2008, this Court reversed the decision of the Village Council to approve the architectural design of the proposed addition to Cleveland Hall.

However, in addition to approval of the architectural design of the proposed addition to Cleveland Hall, Denison University also requested, and the Village of Granville approved, proposed modifications and alterations and reconstruction of Cleveland Hall itself. These matters did not require architectural review by the Village Planning Commission. No appeal was taken by Appellants to Village Council with

respect to the proposed modifications and alterations and reconstruction of Cleveland Hall itself (other than with respect to the design of the proposed addition thereto).

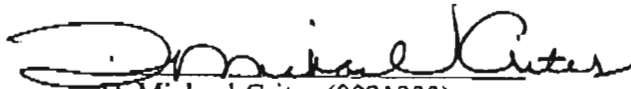
Section 1159.04 of the Village Zoning Code requires the Village to approve "new construction, exterior modifications and structural modifications to existing buildings in the Village District." This section applies to construction that does not require architectural approval. Section 1161.02 of the Village Zoning Code requires the separate approval of "new construction, exterior modification and/or structural alteration" of buildings in the Architectural Review Overlay District which require architectural review. The design of the proposed addition to Cleveland Hall was subject to Architectural Review while all of the interior modifications and alterations made to Cleveland Hall itself were not subject to Architectural Review. In the opinion of the Village, only issues involving the architectural review of the proposed design of the addition to Cleveland Hall were before this Court in the appeal taken by Appellants.

For these reasons, the Village of Granville believes that Denison University can continue to make all of the modifications and alterations to Cleveland Hall that are referred to in the University's Motion for Partial Modification of the Judgment in question.

CONCLUSION

For the reasons set forth herein, Appellee Village of Granville respectfully requests this Court to grant the partial modification of the judgment being sought by Denison University, which would allow the continued reconstruction of Cleveland Hall which did not require Architectural Review by the Village of Granville.

Respectfully submitted,

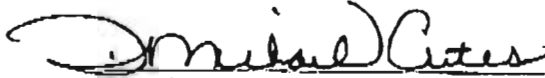


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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document was served upon James Cooper, Morrow, Gordon & Byrd, 33 West Main Street, P.O. Box 4190, Newark, Ohio, 43058, and Geoffrey Graham Judge, 964 North 21st Street, Suite A, Newark, Ohio, 43055, by ordinary U.S. mail, postage prepaid, this 1st day of April, 2008.



D. Michael Crites
Attorney for Appellee
Village of Granville