

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

HERBERT A. ECKER and LUCILLE	:	
ECKER, Husband and Wife,	:	
Appellants	:	
	:	
v.	:	No. 05-02,237; 05-02,244; and
	:	06-00,949
CITY OF WILLIAMSPORT,	:	
Appellees	:	LOCAL AGENCY APPEAL

OPINION IN SUPPORT OF ORDER IN COMPLIANCE WITH RULE 1925(a)
OF THE RULES OF APPELLATE PROCEDURE

The Appellants appeal this Court’s Opinion and Order of December 18, 2006 affirming the Williamsport City Council’s (hereinafter, “Council”) April 6, 2006 denial of their application for a demolition permit. The Appellants’ Notice of Appeal and Statement of Matters Complained of on Appeal were timely filed on January 17, 2007 and February 5, 2007 respectively. The Appellants raise several issues on appeal; the Court will address each issue *seriatim*.

Whether the Court erred in determining that the building at issue was a historic structure and therefore protected by the City’s historical district ordinance

Under WILLIAMSPORT, PA., ZONING ORDINANCE § 1729.01, *et seq.* (2005) (the Ordinance creating the City’s Historic District (hereinafter, “the District”)), it is of no consequence whether a structure located within the District is in fact a categorized as a “historic structure.” Anyone seeking to demolition any structure within the District must acquire a demolition permit and obtain a certificate of appropriateness from the Council; therefore, the Appellants’ first issue raised on appeal is not germane to the thrust of the Court’s challenged December 18, 2006 Opinion and Order.

Whether the Court's findings regarding the practicality of selling the building at issue, the Appellants' efforts to sell the building at issue, and whether the Council's denial of the Appellants' application for a demolition permit was an unconstitutional taking

The Court's rationale for the aforementioned challenged findings can be found in its December 18, 2007 Opinion and Order and the Court will therefore rely on that Opinion for purposes of the instant appeal.

Whether the Court errantly failed to address other issues raised in the Appellants' initial appeal

The Court finds the current issue raised on appeal rather vague; be that as it may, the Court reviewed the Appellants' Notice of Appeal, brief, the Court's notes from argument, and the Court's most recent opinion in this matter, and cannot identify any issue the Court failed to either directly or indirectly address in its' December 18, 2006 decision.

Whether the Court employed an improper standard of review

The standard employed by the Court in its December 18, 2006 Opinion and Order is clearly explained in said opinion and because the Appellants' instant appeal fails to identify which standard they feel the Court should have employed, the Court is at a loss to more thoroughly espouse its reason for utilizing said standard.

Conclusion

As none of the Appellants' contentions appear to have merit, it is respectfully suggested that the Court's Opinion and Order of December 18, 2006 be affirmed.

By the Court,

Nancy L. Butts, Judge

xc: Benjamin E. Landon, Esq.
Norman M. Lubin, Esq.
Robert B. Elion, Esq.
Hon. Nancy L. Butts
Judges
Laura R. Burd, Esq. (Law Clerk)
Gary L. Weber, Esq. (Lycoming Reporter)