

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

JOSEPH WALKER, SARAH WALKER and AME ZION CHURCH, Appellants	:	NO. 08 – 01,508
	:	
	:	
	:	CONDITIONAL USE APPEAL
vs.	:	
	:	
CITY OF WILLIAMSPORT and CITY COUNCIL OF THE CITY OF WILLIAMSPORT, Appellees	:	

.....

JOSEPH WALKER and SARAH WALKER, Appellants,	:	NO. 08 – 01,507
	:	
	:	CONDITIONAL USE APPEAL
vs.	:	
	:	
CITY OF WILLIAMSPORT and CITY COUNCIL OF THE CITY OF WILLIAMSPORT, Appellees	:	

OPINION IN SUPPORT OF ORDER OF APRIL 21, 2009,
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

The City of Williamsport and City Council (hereinafter “City”) appeal from this Court’s Order of April 21, 2009, which sustained the appeal filed by Appellants and remanded the matter for the approval, subject to conditions, of Appellants’ conditional use application. In the Statement of Matters Complained of on Appeal, City contends the Court erred in concluding that Appellants had met their burden of proof of compliance with the standards set forth in the zoning ordinance, and that the objectors had failed to meet their burden of proof that the proposed use would be detrimental to the health and safety of the community. In the opinion issued in support of the Order of April 21, 2009, the Court provides the reasons for its conclusions on these issues and therefore, the Court will simply rely on that opinion for purposes of the instant appeal.

Dated: June 29, 2009

Respectfully Submitted,

Dudley N. Anderson, Judge

cc: Fred Holland, Esq.
Mark Thompson, Esq., Lamb McErlane PC
24 East Market Street, Box 565, West Chester, PA 19381-0565
J. David Smith, Esq.
Gary Weber, Esq.
Hon. Dudley Anderson