

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

TODD A. WINDER,

Appellant

v.

THE ZONING HEARING BOARD OF
CLINTON TOWNSHIP,

Appellee

v.

CLINTON TOWNSHIP,

Intervenor

No. 17 - 990

LAND USE APPEAL

OPINION AND ORDER

Before the Court is a land use appeal by Todd Winder, a Clinton Township land owner from a decision by the Clinton Township Zoning Hearing Board (ZHB). Mr. Winder applied for a permit to build a garage with a second floor apartment for his elderly mother. The ZHB granted the approval as requested finding the apartment to be an accessory use.

Mr. Winder now appeals contending that he does not want the apartment to be limited to his mother only. The ZHB had thoroughly reviewed his request and issued a well-reasoned opinion granting the requested relief of a permit.

However, Mr. Winder now seeks additional relief not raised in his original permit application. He is essentially now requesting what amounts to declaratory relief, a remedy not available in a zoning appeal. A prevailing party such as Mr. Winder lacks standing to appeal.

Maple St. A.M.E. Zion Church v. City of Williamsport, 7 A.3d 319, 322 (Pa. Cmwlth. 2010).

Also see, Appeal of Chester Cty. Outdoor, LLC, 64 A.3d 1148, 1151 (Pa. Cmwlth. 2013)¹

¹ "A prevailing party that disagrees with the legal reasoning of an order or a court or agency or may have had a particular issue decided against it lacks standing to appeal because it is not adversely affected by the order." [quoting Maple St. A.M.E. Zion Church v. City of Williamsport, *supra*.] In order to have standing to appeal a land use decision to the trial court, a party must have a direct interest in the particular question litigated and his or her interest must be immediate and pecuniary." Appeal of Chester Cty. Outdoor, LLC, *supra*, (Citation Omitted).

ORDER

AND NOW this 17th day of **November, 2017**, for the foregoing reasons, the appeal is dismissed and the Decision of the Clinton Township Zoning Hearing Board is **AFFIRMED**.

BY THE COURT,

November 17, 2017

Date

Richard A. Gray, J.

cc: April McDonald, CST
W. Jeffrey Yates, Esquire (for Appellant)
J. Howard Langdon, Esquire (for Appellee)
Scott T. Williams, Esquire (for Intervenor)