

The Case for the 2 W. Marketers (35)

The Bethlehem Gadfly 2 W. Market St., Gadfly's posts, Serious Issues November 27, 2018

(35th in a series of posts on 2 W. Market St.)

Gadfly believes his followers are thoughtful, intelligent people who recognize the general significance of the 2 W. Market issue for everybody and who like to feel they are participating – if only from a distance – in important affairs of the City.

Ha! Thus, Gadfly hopes he hasn't lost you as he tries to wrestle the many details in this complex case into a shape conducive to making a decision. Followers have seen me fussin' over a "standard" against which to judge the petition in the last couple posts. Hold that thought for a bit. We'll come back to it.

"We" heard a lot of testimony (and Gadfly reminds you that extensive audio of both the Nov 8 Planning Commission and the Nov 20 City Council meetings can be found in recent posts).

We are ready for concluding statements.

Imagine we are in a courtroom before a judge.

And that the judge asks each side to submit one page of bullet points in answer to these respective questions:

Why should the Court authorize use of this residence as a business office through a text amendment?

Why should the Court refuse to authorize use of this residence as a business office through a text amendment?

Play along with Gadfly. Have some fun.

He will try to sum up both sides in a concise manner. (Not an easy thing to do, he says.)

First, of course, the petitioners, on whom logically it rests to "make their case." Then Gadfly will next do a similar bullet list for the other side.

So, here goes.

Petitioners:

Why should the Court authorize use of this residence as a business office through a text amendment?

Answer:

- citizens have a right to initiate a zoning amendment
- that right implies it is reasonable to seek personal benefit
- the range of the amendment is quite limited
- the impact of the amendment citywide will be relatively minor
- the amendment causes no harm to others, may even be good for others
- subdivision of the lot to solve the complex mixed-use is not possible
- though the state court ruled against us, we feel local jurisdiction knows best
- experience shows that the house was not readily saleable as a family residence
- we saved a decaying house, investing thousands and thousands of dollars
- we modestly feel that our work on the house improved the neighborhood
- we restored the house to its original condition in a far, far greater degree than usual
- we are not visibly a business, have had no negative external effect on the neighborhood
- our roots are in Bethlehem, we plan to be here for the next 30-40 years
- we are “involved,” we are active participants in and financial contributors to Bethlehem activities
- we are ready to invest \$400,000 in further renovation of the historic Green buildings
- the neighborhood people have spoken in our behalf through a recent survey
- supporters have called us “benefactors,” giving a gift to the City
- the family of the long-time previous owners marvel at what we did
- close neighbors have noted that their property values have increased
- if our petition is denied the residence will most likely become a group/rehab home
- especially with such negative outcomes likely, we think approval is commonsense

- bottom line: we love the house, love the historic district, love Bethlehem

Ok, now Gadfly needs you to weigh in. Is that a fair representation of the testimony we have heard over the two long meetings? Is this a good summary of the petitioner's case? Are there points wrong? Are there points missing? Are there signs of bias?

Hold off on arguing against the points. Not time for that now. Now is time for trying to concisely understand each side.

Is this, for instance, a handy checklist for Council members to be considering as they prepare to make a decision?

Gadfly will modify this list based on appropriate comments. Let's hear from you. Especially those siding with the petitioners. Meanwhile he's off to try to boil down the opposition case.