

2 W. Market: de novo (80)

The Bethlehem Gadfly 2 W. Market St., Serious Issues June 21, 2019

(80th in a series of posts on 2 W. Market St.)

Charles Malinchak, “On and off again plan to allow office at Bethlehem’s 2 W. Market St. back on again.” Morning Call, June 14, 2019.

Q: How do you [Quadrant Wealth] occupy the property?

A: As an office use.

Forget that there are 79 posts on 2 W. Market before this one.

Forget that the 2 W. Market controversy goes back maybe five years now.

Let’s look at this neighborhood conflict *de novo* (amazing how much Gadfly attention is given to neighborhood issues, so everybody, no matter where you live, listen up!) .

De novo: Gadfly loves to play lawyer. (But probably not very well!)

The case:

Quadrant Private Wealth operates its business in a house at 2 W. Market St. in a residential district.

Neighbors want to keep their residential neighborhood residential.

Quadrant seeks permission to legally operate its office at 2 W. Market under an ordinance that allows properties in a residential district to become businesses if they meet three conditions:

1 – the house is at the intersection of 2 streets

2 – the property has some form of commercial use in combination with

3 – a single-family dwelling

There is no issue with conditions 1 and 2.

The issue is condition 3.

Those opposing the applicant argue that 2 W. Market is not now a single-family dwelling. It is being used as an office. And thus the request fails to meet condition #3.

Those opposed to the petition argue that the house needs to be used as a single-family dwelling, at which time Quadrant could re-apply under the terms of the ordinance for permission to use it as an office.

Those opposed to the petition argue that just because the house has in the past been used as a single-family dwelling or that it can now be used as a single-family dwelling does not meet the conditions of the ordinance.

Petitioners (and seemingly the Zoning Hearing Board) argue that it would violate commonsense, it would be an absurd waste of resources, it would be hairsplitting, it would be pro-forma adherence to the blackletter of the law to require vacating the office, moving a family in,

moving them out again, and reapplying for permission to operate as an office.

The City attorney, after saying at the beginning of the hearing that he would not be involved, stepped forward toward the end of the hearing to say that “the City administration is fully supportive of the project here as a matter of something that benefits the City and promotes the interests of the City.”

The Zoning Hearing Board voted 5-0 in favor of the petitioner.

Gadfly loves a good argument. This hearing lasted four hours. There was good argument.

Gadfly would especially call your attention to the testimony of Beall Fowler arguing against the petition. (He will want to call attention to the Romerils in a later post.) Beall’s testimony is yet another example of the high quality resident rhetoric that continually impresses Gadfly. Beall shows himself thoroughly a master of the Zoning code, and a man whose convictions are strong because solidly based. The interplay between Beall and the petitioner’s attorney and ZHB members should be listened to.

AUDIO RECORDINGS UNAVAILABLE IN THIS ARCHIVE

Frankly, Gadfly thought the opposers had the better of the argument. To argue that the letter of the law should not be followed was strange indeed. And indicates the kind of latitude our Planning and Zoning Boards — and even our Council — have that can cause trouble.

And Gadfly thought completely out of bounds the City attorney — out of nowhere — putting his foot on the scale at decision-time.

Beall took his underlying beef about the flawed nature of the ordinance directly to City Council last Tuesday in an effective challenge to “immediately repeal” the “potential minefield for further exploitation” created by the “rogue” Zoning Hearing Board.

One suspects that this *de novo* doesn't mean *c'est fini*. We're probably going to hear yet more about 2 W. Market.

Neighborhoods are worth fighting for.