# Approaching “Crunch Time (2)” on 2 W. Market (37)

The Bethlehem Gadfly 2 W. Market St., Gadfly's posts, Serious Issues November 30, 2018

*(37th in a series of posts on 2 W. Market St.)*

Gadfly’s taken 2 days off from this issue. Letting thoughts settle. Getting some distance.

The last thing we did was, as best we could, make the case for both sides. Laying it all out there as objectively as possible.

See posts 35 and 36.

(And as a result of follower comments, Gadfly tweaked the case for twice and the case against once.)

So we should be in a position now to move toward what for Gadfly will be his second decision. See post #26 for his first decision.

Here are some new things bubbling in Gadfly’s mind as he’s moving toward his decision #2:

- Gadfly’s been wondering about the “Why” question. Gadfly has noted in post #28 a sense that Atty Preston focused on “What” and “How” but did not go to the root of things and argue why the amendment was a good thing for the petitioner and, especially, the City. That part of the argument was left to Kori and their supporters. That led Gadfly (not an atty) to wonder if that was conscious recognition that the “character witness” type evidence was not strong legally. Atty Preston used the term “rationale” – the why — for the text amendment as opposed to a zoning request not for the petition in the first place. See Gadfly fussin’ over this in post #28.
- Gadfly’s been wondering about a legitimate “standard,” some principle against which to make a judgment. That’s what sent him to the Comprehensive Plan and further into the Zoning Ordinance. A legitimate standard seems crucially important to him. The decision should not be made on insignificant or peripheral details, even if there is a cluster of them. See Gadfly fussin’ over this in post #33.
- Gadfly’s been wondering – allied to both of the above – what the proper balance between good for the individual and good for the city should be in the decision. It’s been argued that the

petitioners have a right to amend for their own benefit. But that cannot be absolute. What's the balance? If the petitioner were directly aggrieved by a zoning act, Gadfly could see an outcome for the petitioner's sole benefit. But that is not the case here. Gadfly wonders if the petitioner is not under obligation to show that the amendment does positive good for others not just that it does minimal or no harm.

- Gadfly's been wondering about the argument that local knows best. The highest court in the state ruled against the petitioners, albeit in a case no doubt presented differently. Normal thought would be that the "distant" court would be in the position of being the more objective, and thus would know better.
- Gadfly's been wondering about the place of emotion in the decision. Both sides have expressed a strong "love" element (ha! not for each other). A "sentimental" quality runs through both positions. The "cup of sugar" has been a contested point. How does sentiment balance with logic and law?
- Gadfly's been wondering about the "cancer" analogy – the analogy to the self-evident dissolution of the concept of neighborhood in areas of the Southside as a result of a poor zoning decision. This analogy made a striking impact on him.

So there's a bit of what Gadfly is pondering.
How about you? Where's your mind?
We're still in the weighing time but should be tightening the focus.
Frankly, Gadfly is not seeing more things that would change his first opinion to deny the petition and is worried that he is locked in.
Contrary views welcome. Contrary views needed!