

# Diocese appeals zoning board decision on student center

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The Diocese of Altoona-Johnstown recently filed an appeal against the State College Zoning Hearing Board's decision to block the construction of a Catholic student center on the 100 block of East Park Avenue.

The appeal is in response to a 2-1 ruling on Feb. 7 in which the board decided the 21,000-square-foot center more closely resembles a student center rather than a church. If the building had been classified as a church, the con-

struction would have been protected by a zoning ordinance. According to the diocese's appeal, the zoning hearing board "committed an error in finding that the religious purposes and uses of the building were not the primary function [of the diocese] building."

Larry Sutton, finance director for the diocese, said the appeal was filed to allow the court to review the question of whether the center should be classified as a church or a student center. "The reason this is important is the existing zoning allows for a structure for religious purposes," he said.

However, the board said it would maintain its Feb. 7 decision.

"The primary use of the building was a student center, not a church," Michael Roeckel, Zoning Hearing Board chair, said. "The bottom line is that it seemed the chapel was more an accessory to the student center and not vice-versa."

Sutton said the center is primarily intended for religious activities.

"We're quite convinced the zoning appeal board, not intentionally, made mistakes," Sutton said. "The misunderstanding that has occurred is the erroneous focus on the word 'student.'"

Some local residents in College Heights Association said they did not think the diocese would win its appeal. The group filed its own appeal in

October against a decision by zoning officer Herman Slaybaugh to approve the center. "I think that the decision was fair and I think it was a well-thought-out decision. ... I'm hoping that the court sides with their decision," said Carolyn Kunz, president of the College Heights Association.

Kunz added that she did not know what steps the association would take if the diocese wins its appeal. "We take that step by step and the board will have to vote on that decision [to appeal the court's decision]," she said.

Former Association President Mary Barnes said the court's ruling would dictate the association's next move.

"You have to consider whether you will win, of course, because it costs a lot of money [to go through an appeal]," she said.

Slaybaugh said the outcome of the appeal could affect how the ordinances are applied if the court overturns the board's decision.

State College Borough Council President Tom Daubert said the borough is not directly involved in the appeal process, but the zoning regulations may be changed to be clearer for future zoning decisions.

Slaybaugh said it could be several months before a court date is set for the appeal.

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