

## Beach chapel can stay, with 20 caveats

*Tampa Bay Times (FL) (Published as St. Petersburg Times (FL)) - February 9, 2005*

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- Section: Neighborhood Times
- Page: 1

A controversial private chapel in a residential neighborhood was approved with lengthy conditions Monday, but the applicant is not totally pleased with the decision.

"We are delighted with the decision, but there are two of the 20 conditions that concern us," **Dr. Miller Newton** said Tuesday, confirming that he is considering appealing the ruling. "It seems the ruling goes out of its way to accommodate some dissidents."

The six-page order issued by special master Herbert Langford Jr. on Monday ruled that Christ at the Sea Foundation property meets all the city's requirements to grant a special exception.

In his ruling, he stressed that the legal issue "is the property use, not the user."

He specifically found that the presence of a private chapel "will not cause substantial injury to the value of other property" and is "compatible" with the neighborhood.

Neighbors had argued the opposite during a formal hearing last month that was also attended by former clients of Straight Inc., a controversial drug treatment program in St. Petersburg run by **Newton** in the 1980s.

The self-designated Straight "survivors" were not allowed to present documentation of **Newton's** alleged abusive drug treatment background.

**Newton** particularly doesn't like that he is required to remove all religious symbols within the next month.

**Newton's** Christ at the Sea Foundation chapel has a cupola and cross on its roof. The property, at 13280 Fourth St. E, also has several crosses on the side of buildings and above a garden arbor. Under the ruling, signs and notice boards would also have to be removed.

Another condition, requiring **Newton** to hire off-duty police to control traffic during two annual services, "is absurd for just 10 cars," he said.

He said he has "no problem" with the other 18 conditions he must meet within the next month for the special exception use to remain in effect.

**Newton**, now a priest in the Orthodox Church of Antioch, set up the foundation to own and operate the properties as a residence and prayer center for members of the church. **Newton** lives across the street from the foundation property.

Langford's ruling noted that the city was aware since 1998 that a recreation building, built in the late 1990s with full permitting and approval, has been operating since then as a private chapel.

The current zoning dispute arose when the city responded to neighbor complaints over the construction of a cupola with a cross on top of the recreation building. The city's zoning code has no provision for a private chapel, so **Newton** was forced to apply for a special exception designation as a church.

In an apparent nod to concerns from neighbors that religious services would be disruptive or might grow, Langford added to a list of conditions originally proposed by **Newton**. Those conditions include:

Limiting the recreation building's use to a private chapel and barring any expansion of the facility.

Banning public advertising of religious services as well as any "outward appearance of religious symbols . . . including but not limited to a dome, cupola, cross, signage or bulletin board."

Removing any religious symbols by March 15.

Prohibiting Sunday school, club or outdoor religious activities.

Limiting chapel services to four per day for no more than 10 people, except twice a year when 25 people would be allowed to attend and only if off-duty police officers provide traffic control.

Requiring that people enter the chapel from inside the site.

Requiring a 6-foot fence, wall or landscaping barrier on side and rear property lines.

Requiring 24 parking spaces on the main property and two adjacent lots.

Limiting any music to a hand-held bell. No sound amplifiers.

Requiring the site meet all zoning, building and fire codes.

Restricting two other buildings to a maximum of one dwelling unit each.

Restricting a single office to use only by the foundation.

Canceling the special exception if any of the four adjacent properties change ownership or if religious activities in the chapel lapse for 30 days.

Langford specifically ruled that "in all outward appearances, the property is residential to maintain its compatibility with the neighborhood and character of the area."

**Newton** said he has not decided whether to appeal the special master's restrictions on religious symbols or requirement for traffic control.

"There are some things the city is going to have to interpret, and I haven't talked with my attorney yet," he said.

**Newton** has 30 days to appeal the ruling.

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- *Dateline: MADEIRA BEACH*
  - *Record: 0502095479614488343563*