

## Official reaffirms ruling on chapel

*Tampa Bay Times (FL) (Published as St. Petersburg Times (FL)) - May 25, 2005*

- Author/Byline: SHEILA MULLANE ESTRADA
- Section: NEIGHBORHOOD TIMES
- Page: 1

Restrictions against a controversial private chapel were relaxed slightly Monday, but the rooftop cupola and cross, which started the controversy, must still be removed.

Special Master Herbert Langford Jr. refused to address constitutional religious protection issues raised by attorneys for the Christ at the Sea Foundation, saying they had no impact on the city's action which was to keep "status quo" use of the property at 13280 Fourth St. E.

The special exception granted by Langford in February allowed use of the property as a private chapel. His ruling included several conditions, including a ban on any "outward appearance of religious symbols, markings or indicia or religious symbols or use, including, but not limited to, a dome, cupola, cross, signage or bulletin board."

Monday, he ruled that the cupola and cross erected on the building's roof last year must come down, as originally ordered, but that the church could keep its bulletin board if it is moved inside the property where it would not be visible from the street.

Crosses and other religious symbols on the side of buildings and above a garden arbor and installed prior to 2000 could also remain.

Conditions imposed by Langford in February that are still in effect include:

- n Limiting the recreation building's use to a private chapel and barring any expansion of the facility.
- n Prohibiting Sunday school, club or outdoor religious activities.
- n 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.
- n Requiring that people enter to the chapel from inside the site.
- n Requiring a 6-foot fence, wall or landscaping barrier on side and rear property lines.
- n Requiring 24 parking spaces on the main property and two adjacent lots.
- n Limiting any music to a hand-held bell and banning sound amplifiers.
- n Requiring the site meet all zoning, building and fire codes.
- n Restricting two other buildings to a maximum of one dwelling unit each.
- n Restricting a single office to use only by the foundation.
- n Canceling the special exception if any of the four adjacent properties change ownership or if religious activities in the chapel lapse or are halted for 30 days.

Monday's hearing was called after attorneys for the foundation submitted a supplemental brief arguing that the special master "mistakenly understood" that all of the religious signs and symbols had recently been installed on the property.

The controversy began months ago when neighbors protested the erection of a cupola with a cross on the roof of the foundation's building, which is in a residential neighborhood. The foundation uses the building as a temporary residence and prayer center for members of the church.

The home, which originally belonged to **Dr. Miller Newton** and was transferred to the foundation in 1997, was expanded, with city permitting, in 1998 to include a recreation structure. That structure later became a private chapel, a use the city said violated city zoning codes.

In an attempt to resolve the dispute, **Newton** applied for a special exception to officially allow the property to be used as a church.

**Dr. Newton**, who heads the foundation and lives across the street from the chapel, had faced a code violation hearing June 1 because he had not fulfilled any of the requirements of the February order.

"That action is now moot," said Paula Cohen, the city's director of community development.

Now, **Newton** has until 4:30 p.m. on June 2 to remove the cupola and move the bulletin board.

If he fails to do so, he will again be in violation of city codes.

- *Dateline: MADEIRA BEACH*
- *Record: 0505255479614419642162*