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# Board approves gazebo project on Woodfield Drive

Board of adjustment approves construction of 20-foot by 25-foot gazebo on Woodfield Drive property

*By Jamie Biesiada*

The Wall Township Board of Adjustment approved the construction of a 20-foot by 25-foot gazebo on Woodfield Drive during its meeting last week.

Mark Kitrick, the attorney for applicants David and Joanne Middleton, said the Middletons have been living in their home for 22 years, and raised their three children there. They were seeking permission to construct an oversized gazebo to “really increase the outside enjoyment of their property,” Mr. Kitrick said.

Current township ordinance only allows such structures to be 220 square feet, Mr. Kitrick explained, and the applicant was seeking a bulk variance.

“There is a personal reason why this application is before you tonight,” Mr. Kitrick said, adding the reason would be addressed in the applicant’s testimony.

The lot the Middleton’s house is on is approximately 2.25 acres, Mr. Kitrick continued, with a large backyard.

The backyard currently consists of a two-tiered deck, Mr. Middleton explained, with an in-ground pool and a fence surrounding the pool area. The gazebo would be constructed to the left of the pool, he said, and the fence area would be expanded to accommodate the structure.

Beyond the pool area, the property includes approximately 1.5 acres of “very dense woods,” Mr. Middleton said.

The personal reason for the gazebo’s construction, Mrs. Middleton told the board, was medical — she was diagnosed with lupus 16 years ago, and must stay out of the sun.

According to the Lupus Foundation of America, lupus is a chronic autoimmune disease that can damage any part of the body, including organs and skin.

“I spend 90 percent of my time in the house,” Mrs. Middleton told the board, while her family often spends time outside near the pool.

The gazebo, she said, would allow her to spend more time with her family.

Testimony revealed the gazebo will include a seating area, a fireplace, a counter area, a small refrigerator, an ice maker, a trash bin and a keg refrigerator. There would be a water hookup for the refrigerator, but no sink in the gazebo. There would be a bathroom, as well, with no sink.

The Middletons said they did not intend to enclose the gazebo at any point in the future.

“This is a large lot,” Mr. Kitrick said, noting a gazebo of only 220-square-feet would be “disproportionate” to the size of the property.

“There is absolutely no detrimental impact for the neighbors,” Mr. Kitrick said.

The board unanimously approved the application.

In other meeting news:

- An application put forth by Theodore Lygas to use a 376-square-foot dog run on a concrete slab in the front yard of a River Road residence was carried. No testimony was heard on the application, which is scheduled to be heard during the board's Nov. 10 meeting.
- The board carried an application put forth by Joseph and Carole McGinley to construct a 36-foot by 56-foot by 16-foot detached garage on Herbertsville Road.

Mr. McGinley said he was proposing the garage's construction for his recreational vehicle [RV]. The structure's height is 16 feet at the roofline, he said.

The garage would have two 12-foot by 14-foot overhead doors, a side entrance door, and two windows on each side.

In addition to housing his recently purchased, 43-foot by 8.5-foot RV there, Mr. McGinley said, he also intended to use the garage to house his boat and various lawn equipment.

"It seems rather large," board chairwoman Mary DeSarno said.

When doing maintenance on his RV, Mr. McGinley said, some extra space was needed — approximately eight feet in total, which would accommodate the portions of the RV that expand to allow for maintenance work.

The garage is 23 feet from his closest neighbor's property line, Mr. McGinley added, which currently is lined with trees that are approximately 8-feet tall. At maturity, Mr. McGinley estimated the trees would be about 20-feet tall, or higher than the peak of the garage, which averages 19.3-feet tall.

Township engineer Matthew Zahorsky elaborated, stating the average between the building's eave and peak is 19.3-feet tall. Township ordinance dictates that number be considered the building's height, he explained, though the peak of the building rises to 22.5-feet.

Mr. McGinley told the board he had spoken with his neighbor, who had no problem with the structure's construction.

As testimony continued, board members made it clear they preferred the building either be moved further away from Mr. McGinley's property line, or be reduced in size.

Board member James Gray suggested moving the structure 15 feet away from the property line, but Mr. McGinley said that would require him to remove several mature trees.

Ms. DeSarno suggested reducing the structure's size to 1,500 square feet. Mr. McGinley initially said he would prefer the larger structure.

The application was carried, and Mr. McGinley said he would consider the possibility of reducing the garage's size or moving it further away from his property line.

"Compromise is the key word here," Mr. Gray said.

Mr. McGinley's application is scheduled to appear before the board again during its Nov. 10 meeting.

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