



TOWN OF WHEATFIELD
NIAGARA COUNTY
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NORTH TONAWANDA, NEW YORK 14120-1099

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May 10, 2011

Mr. Mark Woodcock
7293 Schultz Road
No. Tonawanda, NY 14120

Re: ZBA Interpretation Request

Dear Mr. Woodcock:

This letter is to inform you that the Zoning Board of Appeals of the Town of Wheatfield at its meeting of May 9, 2011 acted upon your request for an interpretation of a section of the zoning code with regard to parcel #163.04-5-97. The request for clarification was outlined in an Appeal for Interpretation submitted to the Zoning Board. The request specifically asks whether a retail shop selling sonogram photos for elective purposes can legally occupy the space formerly used by Diane's Floral Shop.

After reviewing the existing Zoning Law, debating the intent of the restrictions in the law and discussing the three prior use variances granted on the parcel, the Board has unanimously agreed on the following clarifications:

1. Based on the 1986 use variance, the floral business is classified as a retail sales operation within a completely enclosed building. Section 200-12 A (2) of the building code applies to this use.
2. The proposed use as a retail shop "selling sonogram photos" is deemed by the ZBA to be compatible with the permitted use granted by the 1986 variance.
3. As with all use variances, the rights granted by issuance are subject to the condition that the use be continuous. In the event a use ceases for twelve months, the variance is automatically revoked. The new retail shop is only permissible if it begins operation within twelve months of the day Diane's Floral Shop ceased to operate at 7293 Schultz Road.

Sincerely,

Jerry G. Canada, Jr.,
Secretary
Zoning Board of Appeals

cc: Building Department, Town Clerk's office, Planning Board