

**MEETING MINUTES**  
**LANCASTER TOWNSHIP**  
**ZONING HEARING BOARD**

**September 24, 2013**

Chairperson Metzger called the meeting to order at 7:00 P.M. The following members were present: John W. Metzger, Peggy D. Hall, and alternate member Joseph P. LoCurto. Also in attendance was Thomas L. Goodman, Zoning Hearing Board Solicitor, Thomas P. Daniels, Assistant Township Manager, and Cheryl Hansberry, Court Reporter.

**NEW BUSINESS**

1. Dr. Nasir H. Shah, equitable owner of the property at 996 East Orange Street, Lancaster, has applied for a Special Exception; Substitution of Non-conforming Use pursuant to Section 1702.3. The property is zoned Residential (R-2). The property is currently being used as a medical office. The applicant proposes to use the property as a Veterinary Clinic.

Ms. Julie B. Miller, Esq., presented the application. Mr. Daniels was sworn in and testified that the notice and publication requirements for this matter had been met. The Board took notice of two prior decisions concerning this property, one dated February 27, 2007 and one dated January, 2006. Ms. Miller had no objection to alternate member Mr. LoCurto acting as a voting member of the Board.

Ms. Miller called Dr. Darren B. Barbacci as the first witness. Dr. Barbacci, a foot and ankle surgeon is the current owner and has been using the property as a medical office for several years. The hours were Monday through Thursday, 7:30 to 3 or 5:00, with 3 or 4 patients in the office at one time. Dr. Barbacci noted that at one time there were three doctors using the office with up to 12 patients being on the premises at one time. He testified that the office had a good relationship with the neighborhood and that there were never any issues. Parking was adequate.

Dr. Shah then testified that he is desirous of opening a Veterinary Clinic with himself as the Veterinarian along with a maximum of three employees. He has been practicing for approximately 40 years. His proposed hours of operation would be Monday through Friday, from 8:00 A.M for staff, 9:00 A.M for start of patient care, until 12:00. Surgery hours would be from 4:00 to 6:00 P.M. The clinic will be open Saturday mornings until 12:00. Only small animals will be seen with no boarding or outside runs. Any cremations would be offsite. There will be no exterior modifications and only minor interior ones to better suit the veterinary practice.

In response to neighbor Amanda Rosh's question, Dr. Shah testified that an area would be marked for pet relief. In response to neighbor Regina Mowery's question, Dr. Shah indicated that he was willing to work with the neighbors about lighting. Dr. Barbacci noted that the neighboring church offered to lease parking space if needed. A client of Dr. Shah's, Benjamin Niato, spoke in favor of Dr. Shah and to the quality of his veterinary practice. Ms. Miller argued that the proposed use as a Veterinary Clinic would not be more detrimental, and would have less of an impact on the neighborhood, than the present use as a medical office. She stated that the Board has the authority pursuant to Section 1303.25 to determine the required number of parking spaces, and requested that the Board find that the nine (9) spaces available are sufficient.

Mr. Metzger made a motion to close the record, and to continue the matter until the next regularly scheduled meeting of the Lancaster Zoning Hearing Board, on October 22, 2013, at which time a decision would be rendered by the Board. Mr. LoCurto seconded the motion, which carried unanimously.

#### **ADJOURNMENT**

There being no further matters before the Board, Chairperson Metzger moved to adjourn the meeting at 8:10 P.M.

Respectfully submitted,

Peggy D. Hall, Secretary