

BOARD OF ZONING APPEALS DIVISION I

May 12, 2026

Case Number:	2926-UV1-006 (Amended)
Property Address:	8798 Moore Road (<i>approximate address</i>)
Location:	Pike Township, Council District #1
Petitioner:	J E Land, LLC, by S. Gregory Zubek
Current Zoning:	D-A / D-1
Request:	Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wellness center (not permitted) with gravel parking areas in the front yard of Moore Road exceeding 30 feet in width (hard surfacing required, parking in front of buildings limited to 30 feet).
Current Land Use:	Agricultural
Staff Recommendations:	Staff recommends approval of the variances, subject to commitments.
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

4/7/26: The petition was continued by staff's request to allow for additional time for discussion of the requested variances, the provision of a site plan showing the full scope of proposed improvements, and for the finalization of commitment language.

STAFF RECOMMENDATION

Staff recommends **approval** of the variances, subject to commitments that:

1. Parking and maneuvering areas shall utilize True Grid permeable pavers or similar material as opposed to either full asphalt paving or the usage of standard gravel for parking areas.
2. Development of the site and placement of the building and parking additions associated with the use shall substantially comply with the site plan file-dated April 24, 2026.
3. A pedestrian path from the parking area to the south of the building to the entrance of the medical facilities will be included as a part of the construction of the building addition.

PETITION OVERVIEW

- 8798 Moore Road is comprised of three (3) parcels with a total size of approximately 36.66 acres. It is predominantly zoned D-A and is improved with agricultural land as well as a farmhouse structure with access from Moore Road to the east. Adjacent land uses are low-density residential or agricultural in nature. The Traders Point Creamery (a dairy farm, restaurant, and agritourism business) is located on the other side of Moore Road to the northeast.

- The applicant is seeking permission to allow a wellness center to operate at the subject site. The closest comparable use category within the Indianapolis Zoning Ordinance for this use would be a medical clinic. The proposed use would utilize the existing building and access from Moore Road, as well as a building addition placed on the southwest portion of the structure and new parking areas to the northeast and south, per the below site plan.
- Three (3) variances would be required to allow for this project. The first would be a Variance of Use given that a medical clinic use wouldn't be allowed by-right within the D-A zoning district. Additionally, variances related to the proposed on-site parking would include both the materials utilized for vehicle areas (hardscaping would be required as opposed to gravel for non-residential uses) as well as the placement of new parking areas on the site. For residentially zoned areas, a maximum width of 30 feet within the yard between the front building line and Moore Road would be permitted and the provided site plan shows that width would be exceeded.
- Any future signage placed in conjunction with this business (either wall signage or freestanding) would be subject to applicable standards for the D-A zoning district, and approval of this variance would not allow for signage to be installed utilizing regulations for commercial zoning districts. Additionally, the approval would be tied to the filed Plan of Operation (see below).
- The subject site is zoned D-A (Dwelling-Agricultural) to allow for a variety of agricultural uses (i.e. animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, etc.) as well as single-family dwellings within large estate developments. Similarly, the Comprehensive Plan recommends it to the Rural and Estate Neighborhood typology and places it within an Environmentally Sensitive Areas overlay (see Comprehensive Plan Analysis section below).
- Submitted narrative and Plan of Operation documents from the applicant indicate that the majority of the site (previously utilized as a llama farm) would be preserved as farmland and wooded areas. Additionally, the proposed use of a small integrative health and wellness center would operate with a focus on routine medical practices including chronic conditions support, preventative care, and lifestyle-based wellness services. Medical services would be predominantly administered by two doctors with a small professional staff and occasional visits from specialists; hours would align with standard timeframes of business operation and services would be provided exclusively by appointments spread throughout the day to limit traffic impacts.
- Findings of Fact in support of the Use Variance mention that the scale and intensity of the services offered by this use would be limited in nature below what might constitute a typical medical clinic or office (typically a low-intensity commercial use). Staff would note that the provided site plan would leave most of the site as farmable land consistent with the D-A zoning district and the Comprehensive Plan, and that a commitment has been requested that would limit the scope of use to substantial conformity with the site layout provided for review. Given this limiting commitment and existing screening areas between the use and Moore Road, and a likely minimal traffic impact on the two-lane road, staff would recommend approval of the Use Variance.



**Department of Metropolitan Development
Division of Planning
Current Planning**

- Although the Ordinance does allow for parking and vehicle areas to utilize gravel in some single-family residential and agricultural uses, the proposed use would be commercial in nature and therefore would require full asphaltic paving. The petitioner cited environmental concerns preventing the placement of hardscape and proposed a compromise of the use of True Grid permeable pavers as a substitute for gravel parking areas. Staff feels that this would approximate Ordinance intent per 744-404.D.6.a.3 and recommends approval of this variance.
- Finally, Ordinance regulations on width of parking and driveway areas within front yards exist to avoid the appearance of large paved areas devoid of landscaping within residential front yards. In this instance, (a) the proposed use would not be residential in nature; (b) substantial portions of each proposed parking stalls within the new 14-space area would be placed behind the front building line; and (c) the parking areas would be screened from view from Moore Road by extensive existing wooded areas. Additionally, staff would note that the petitioner placed ADA parking spaces closer to the front building entrance with a permeable-paved walkway directly to the front entrance at staff’s request. Given this context, staff recommends approval of the third and final variance related to parking area width.

GENERAL INFORMATION

Existing Zoning	D-A / D-1	
Existing Land Use	Agricultural	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-A / D-S / D-1	North: Residential
South:	D-1	South: Residential
East:	D-S	East: Residential
West:	D-A / D-S	West: Residential
Thoroughfare Plan		
86 th Street	Primary Arterial	118-foot existing right-of-way and 90-foot proposed right-of-way
Moore Road	Primary Collector	70-foot existing right-of-way and 80-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	02/03/2026	
Site Plan (Amended)	04/24/2026	
Elevations	02/10/2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	02/03/2026	

**Findings of Fact
(Amended)**

03/02/2026

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exception natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology as a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.
 - Small-scale offices, retailing, and personal or professional services is not a contemplated land use within this typology.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2009ZON041, Rezoning of 46.494 acres, from the D-S District, to the D-A classification to provide for agricultural or low-intensity dwelling uses, **approved**.

ZONING HISTORY – VICINITY

2024DV1003 ; 7219 92nd Street (north of site), Variance of Development Standards to provide for the construction of a 26.5-foot tall pole barn taller than the primary building, with a four-foot front yard setback from and within the front yard of Moore Road (maximum height of 24 feet permitted, height of accessory buildings must be less than height of primary building, 30-foot front yard setback required, accessory structures not permitted in front yards), **approved**.

2014DV2037 ; 7651 West 88th Street (west of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish existing accessory building and use area and to provide for the construction of a 384-square foot detached garage, creating approximately 2,475 square feet of accessory building area and 5,650 square feet of accessory use area, being 111% and 128% of the main and total floor areas, respectively, of the primary dwelling (maximum accessory building area of 75% of the main floor area of the primary dwelling or 1,682 square feet and accessory use area of 99.9% of the total floor area of the primary dwelling or 4,432 square feet permitted), **approved**.

2010DV1001 ; 7575 92nd Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 192-square foot storage shed in front of the established primary front building line (accessory buildings not permitted in front of the established primary front building line), **approved**.

2006UV2005C ; 9211 Moore Road (northeast of site), Variance of Use to provide for a restaurant use (not permitted) within an existing 2,700 square-foot barn, processing and production of dairy products on site, a farmers market, a children's summer camp, and agri-tourism, **approved**.

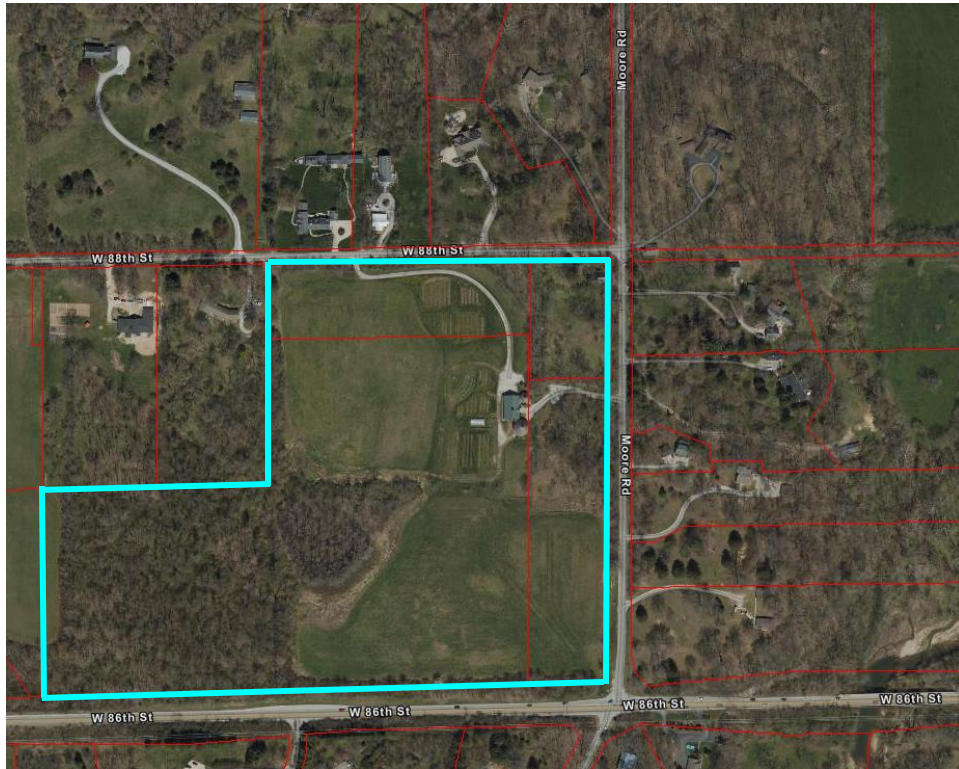
2006UV2005D ; 9211 Moore Road (northeast of site), Variance of Use to provide for live entertainment, and catering for up to 250 persons, **denied**.

2006UV2005E ; 9211 Moore Road (northeast of site), Variance of Use to provide for live entertainment and catering for up to 600 persons, **denied**.

90-UV2-94 ; 8561 Moore Road (east of site), Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to permit vehicle restoration and crafting within an existing barn and to permit the construction of a 26 foot tall (20 feet permitted) garage which will result in the total square footage of accessory building in excess of 75% of the primary residence, **approved**.

EXHIBITS

2026UV1006 ; Aerial Map



2026UV1006 ; Aerial Map (zoomed)



2026UV1006 ; Site Plan



2026UV1006 ; Elevation Rendering



2026UV1006 ; Findings of Fact (Use)

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The use will not be injurious because it will promote health and the general welfare of the community by making health care available on a small portion of the property and preserving the vast majority of the property in woods and farmland and pasture.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

the vast majority of the property will be maintained in woods, pasture and farmland consistent with covenants that limit future development.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

the Subject Property of nearly 46 acres with substantial acreage in woods does not feasibly lend itself to a viable independent agricultural operation and is too small therefore. The Subject Property is too large for a single residence thereon and the market would not support such a use in that the universe of buyers would be minuscule for one residence on 46 acres.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

Owner is not in the business of operating an agricultural operation. No entity in the market of potential buyers would be able to operate the Subject Property as an economically viable agricultural operation. The grant of the variance would maintain the vast majority of the Subject Property in a natural state or devoted to agricultural use but with an ancillary use that could make the Subject property economically viable particularly when the use of much of the Subject Property could be operated in collaboration with another organic agricultural operation.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

the vast majority of the Subject Property would be used for DA use and the variance would maintain agricultural use with a limited ancillary health care use for humans which is only a slight deviation from the permitted use of health care for non human animals.



2026UV1006 ; Findings of Fact (Gravel)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the parking area does not need to be paved in the D-A zoning district for agricultural animal related and food production uses.
The vast majority of the 44 +/- acre property will be used for said uses and the wellness center will be on a very small part of the property and driveways and parking areas in the nearby properties are generally not paved.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the vast majority of the subject property will be devoted to uses where paving is not required and a gravel parking area is consistent with adjacent property development and with agricultural use at the subject property.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

there are no substantial paved areas in adjacent D-A properties and a paved lot would be inconsistent with adjacent development and introduce a development inconsistent with the agrarian development on the majority of the subject property and on adjacent properties. The subject property of 44 +/- areas will have only .00150 of the property in parking area for the wellness center.

2026UV1006 ; Findings of Fact (Front-Yard Parking)

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the parking while deemed by DMD to be in "front of the building", the parking will be at least 80 feet from the right of way of Moore Road and 110 feet from the pavement of Moore Road and screened by a heavily wooded area.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the vast majority of the subject property will be devoted to uses where paving is not required and a gravel parking area is consistent with adjacent property development and with agricultural use at the subject property. Also, the small parking area will be screened by 80 feet to 110 feet of dense woods.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

the parking in the location described above allows a maximum of the subject property to be used for agricultural purposes and/or maintenance of same in a natural and undeveloped state consistent with the deed restrictions that will obligate Petitioner.

2026UV1006 ; Plan of Operation

Farmstead Health & Wellness Studio at Fortune Acres 86th Street & Moore Road

Overview of Proposed Use

The proposed use is a small, integrative health and wellness space located at Fortune Acres, a 44-acre farm at 86th Street and Moore Road. Services will focus on routine medical practices, including chronic condition support, preventive care, and lifestyle-based wellness services. The space will operate as a small, appointment-based professional wellness office with individualized visits.

The project has the endorsement of Indiana Landmarks, Inc. and is designed to respect the historic, residential, and agricultural character of the property while allowing for a compatible and reasonable use.

Facilities

The health and wellness studio will be located within existing farm structures on the property. The use of these buildings is intended to be consistent with the rural and residential setting and compatible with the surrounding agricultural land.

The land will continue to be farmed in accordance with existing covenants and restrictions. The proposed use does not alter the overall agricultural character of the property.

Staffing and Operations

The studio will operate with a small professional staff, consistent with an appointment-based wellness practice. Operations will occur during normal business hours, with limited support staff needed.

Hours of Operation

Operations will occur primarily during typical daytime business hours, consistent with professional office use and surrounding residential and agricultural activities.

Traffic, Parking, and Activity Level

- All visits will be by appointment only
- Activity will be distributed throughout the day
- The proposed use will generate limited traffic, parking demand, noise, or exterior impact

Security Provisions

- Standard fire safety and security systems will be installed in accordance with applicable codes
- Buildings will have secured access appropriate for professional use

Hazardous or Explosive Materials

- No hazardous or explosive materials will be stored or used on site
- Only routine wellness, office, and building maintenance materials will be present

Neighborhood Compatibility

The Farmstead Health & Wellness Studio is designed to be compatible with the surrounding residential and agricultural environment. Our family pursued its vision of creating an organic dairy farm, now well known as Traders Point Creamery. The dedication to land preservation and sustainable farming led to the development of a business that prioritizes both environmental stewardship and human health. This same dedication will continue in our mission and extend beyond medical practices as we will preserve and enhance the 44-acre property, promote regenerative, organic farming, and foster a deep connection between the environment, individuals, and their health.

2026UV1006 ; Photographs



Photo 1: Subject Building Viewed from East



Photo 2: Subject Building Viewed from South

2026UV1006 ; Photographs (continued)



Photo 3: Proposed Parking Location Viewed from West



Photo 4: Subject Building Viewed from North

2026UV1006 ; Photographs (continued)



Photo 5: Land to West of Proposed Addition



Photo 6: Adjacent Property to North

2026UV1006 ; Photographs (continued)



Photo 7: Existing Driveway/Parking Viewed from West



Photo 8: Moore Road Access Point Viewed from West

2026UV1006 ; Photographs (continued)



Photo 9: Moore Road Access Viewed from East (August 2024)



Photo 10: Moore Road Looking South Towards 86th Street (August 2024)