

BOARD OF ZONING APPEALS DIVISION I

June 3, 2025

Case Number: 2025-UV1-006 (Amended)
Address: 5451 Moller Road (approximate address)
Location: Pike Township, Council District #6
Zoning: D-A / D-P
Petitioner: Maribel Morales Picon, by David E. Dearing
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the storage of two food trucks (prohibited).

Current Land Use: Single Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued at the request of a registered neighborhood organization, from the May 6, 2025, hearing, to the June 3, 2025, hearing.

Staff requested this petition be continued for cause on behalf of the petitioner, to the July 1, 2025, hearing, so that a rezoning companion petition could be filed in its place.

During discussions with the petitioner, he indicated that before the July 1, 2025, hearing, he would be filing a companion petition to rezoning the DP portion of the parcel and add the Variance of Use for the storage of two food trucks to it. This would allow for the current Variance petition, 2025-UV1-066 to be withdrawn.

At the time of publication of this staff report, it appears the petitioner has only filed for a rezoning petition, and not a companion petition including a new Variance of Use.

Therefore, **this variance petition should go forward and be heard on July 1**, as it is not required to be part of the rezoning petition. This variance petition has already been delayed 2 months, with the illegal use continuing to operate on site.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

VARIANCE OF USE

- ◇ The request would provide for the storage and parking of two commercial food trucks on the lot. Traditionally, these requests have not been supported due to their impact on the visual aesthetics of the surrounding area.

- ◇ The Comprehensive Land Use Plan recommends Suburban Neighborhood uses for this site and the adjacent parcels.
- ◇ The Suburban Neighborhood typology is predominately made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- ◇ The introduction of commercial vehicles into a predominately residential area would have a negative impact on the area. The two commercial food trucks can easily be parked off site where property zoned, as other commercial food trucks have managed to do so without any practical difficulty.
- ◇ The petitioner has indicated that the two commercial food trucks would be parked to the rear of the dwelling on a paved area. However, an updated site plan has not been submitted to reflect this. In addition, a portion of the driveway that the food trucks would use to access the rear of the site, and to leave the property, is paved with loose gravel. The use of loose gravel is not permitted for commercial uses due to the intensity of the use, and the increase in destruction of the public right of way roads that are financed with taxpayer dollars.
- ◇ There is no unusual and unnecessary hardship associated with the subject site that would warrant the grant of this variance. The subject site has no natural or manmade physical obstacles that would prohibit compliance with the permitted uses. Any hardship is self-imposed by the petitioner's desire to not park the vehicles off site at an appropriately zoned site.
- ◇ Summarily, in Staff's opinion, permitting two commercial food trucks to park in a predominately residential area district as proposed would be wholly inappropriate, particularly considering the general increase in intensity from multiple commercial vehicles within a residential area.

GENERAL INFORMATION

Existing Zoning	D-A / D-P	
Existing Land Use	Single Family Dwelling	
Comprehensive Plan	Suburban Neighborhood Use	
Overlay	No	
Surrounding Context	Zoning	Surrounding Context
North:	D-A	Single Family Dwelling
South:	D-P	Two- Family Dwelling
East:	D-A	Single Family Dwelling
West:	SU-2	School

Thoroughfare Plan			
	Moller Road	Local Street	60-foot existing and proposed right-of-way.
Context Area		Metro	
Floodway / Floodway Fringe		No	
Wellfield Protection Area		No	
Site Plan		March 13, 2025	
Elevations		N/A	
Commitments		N/A	
Landscape Plan		N/A	
Findings of Fact		March 13, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends suburban neighborhood use for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology is predominately made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

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)

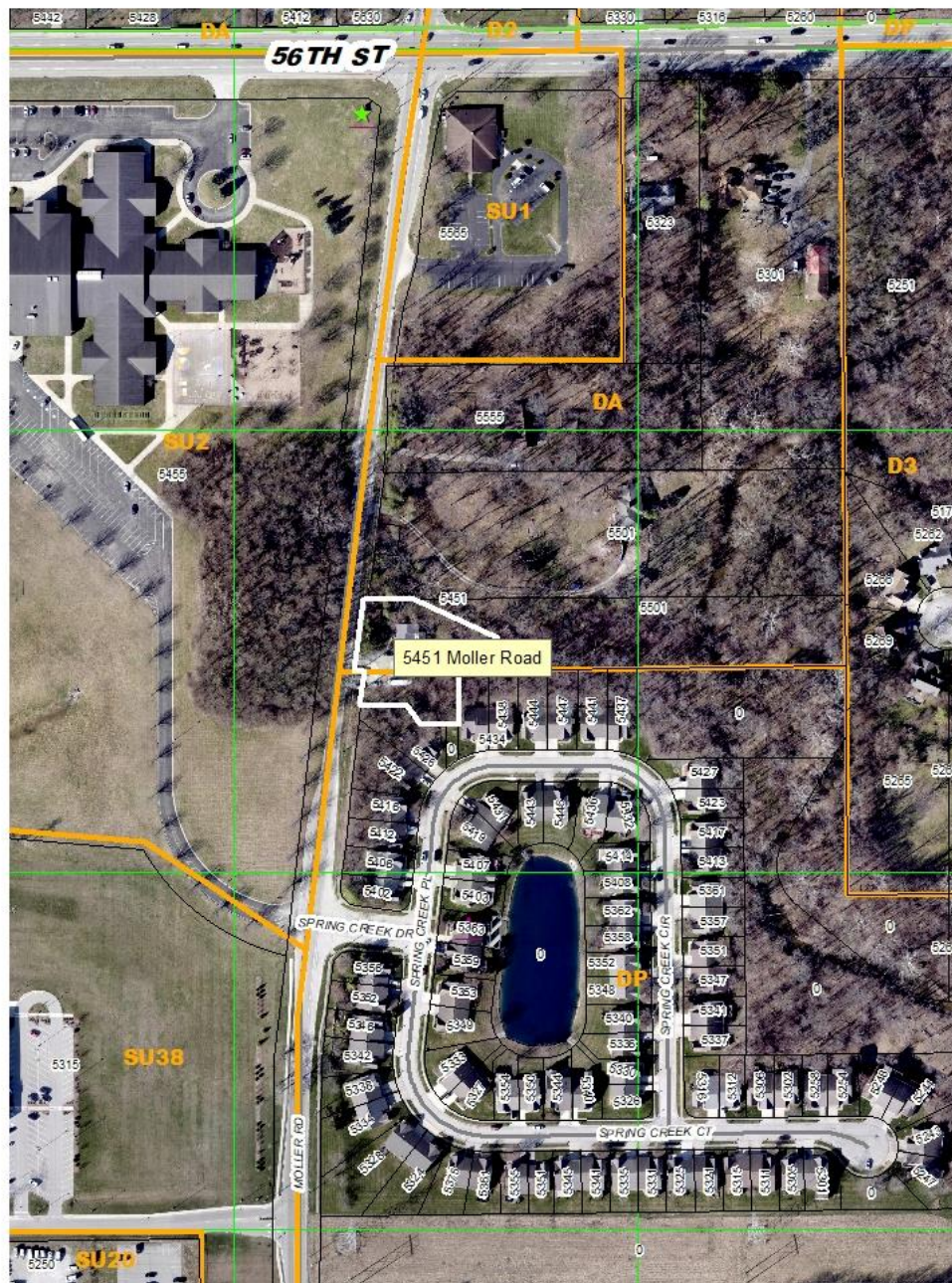
- Not Applicable to the Site.

ZONING HISTORY

None

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Location Map



Site Plan





Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

all of the subject activities will be confined to the landowner's property with no capacity to affect the public health, safety, morals or general welfare.

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:

all of the subject activities will be confined to the landowner's property, which is well screened from neighboring properties by tree cover.

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

the landowner will not be able to utilize her property to protect her food trucks from theft and vandalism they would be subject to if parked overnight elsewhere.

DECISION

Photographs



Subject site, single family dwelling, looking east.



Subject site, two commerical food trucks parked on side of dwelling, looking east



Adjacent two-family dwelling to the south, looking west.



Adjacent single family dwelling to the north, looking east.