

**BOARD OF ZONING APPEALS DIVISION II**

**October 14, 2025**

**Case Number:** 2025-DV2-037 (Amended)  
**Property Address:** 65 East Regent Street (*approximate address*)  
**Location:** Center Township, Council District #18  
**Petitioner:** Walter Resinos  
**Current Zoning:** D-5  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition and conversion of a single-family dwelling into a two-family dwelling on a substandard lot (60-foot lot width and lot area of 7,200 square feet required) and resulting in an open space of 57 percent (60 percent required).  
**Current Land Use:** Single-family Residential  
**Staff Recommendations:** Staff recommends **approval** of this petition.  
**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends **approval** of this petition.

**PETITION OVERVIEW**

- 65 East Regent Street is currently improved with a single-family residence that was originally constructed in 1915. Surrounding land uses are predominantly single-family residential in nature, although the property to the east functions as a religious use per a Special Exception petition granted in 2016. The undeveloped lot to the west was approved for construction of a 3-story duplex on a deficient lot in 2023, although that structure has not been built. Many surrounding properties appear to have legally non-conforming side-yard setbacks.
- Permit applications were made earlier in 2025 to allow for the conversion of this property to a two-family dwelling. The internal conversion work on a lot with deficient width and area could be allowed solely via administrative approval; however, any non-conformities created by additions to the structure couldn't be approved administratively and would require approval of variances.

- The footprint increase associated with this project would result in the need for two (2) variances of development standards: **(a)** the construction of the two-family dwelling on a lot with a width of 32 feet and an area of 3552 square feet (60-foot width and area of 7200 square feet required); and **(b)** the resulting open space on the lot would be 57% when 60% is required. The building addition on the northeastern portion of the property would be eligible for the 50% expansion exception found within Section 744-202.E of the Indianapolis Zoning Ordinance.
- Initial plans provided by the applicant indicated placement of both a building addition to the northeast as well as the placement of an exterior stairway in the required side yard. This layout would have exceeded the 50% maximum expansion referenced above and would have required a third variance. However, the applicant provided updated building plans that altered the stairs to remove the need for that setback variance.
- When visiting the site on September 12<sup>th</sup>, staff noted that internal conversion work was seemingly being conducted at the site. Any work requiring issuance of a structural permit would be contingent upon approval of this variance in order to be legal, and could be citable if that work didn't match plans submitted to Business and Neighborhood Services or if this petition were to be denied.
- This property is zoned D-5 (Dwelling District Five) to allow for medium- and large-lot housing formats, primarily for detached houses within new walkable suburban neighborhoods or infill situations in established urban areas. Similarly, the Pattern Book of the Comprehensive Plan recommends it to Traditional Neighborhood uses to allow for a range of different types of housing density. Additionally, the Infill Housing Guidelines recommend that for substandard lots, primary structures should be consistent in height, mass, and footprint with other structures on the same street, and that building additions should limit impacts and support Comprehensive Plan goals.
- Given that this construction would constitute a minor deviation from the applicable open space standard (consistent with the Infill Housing Guidelines) and that the two-family conversion would be permissible by administrative approval if not for the 3% open space deviation, staff recommends approval of the variance request.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Single-family Residential	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b>Surrounding Context</b>
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Religious Use
West:	D-5	West: Residential
<b>Thoroughfare Plan</b>		
Regent Street	Local Street	40-foot existing right-of-way and 48-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	08/13/2025	
<b>Site Plan (Amended)</b>	09/29/2025	
<b>Elevations</b>	08/13/2025	
<b>Elevations (Amended)</b>	09/29/2025	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	08/13/2025	
<b>Findings of Fact (Amended)</b>	09/29/2025	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

### Pattern Book / Land Use Plan

- The Marion County Land Use Pattern Book recommends this site to the Traditional Neighborhood living typology to allow for a full spectrum of housing types (ranging from single family homes to large-scale multifamily) in compact and well-connected developments and with infill development continuing the existing visual pattern, rhythm, or orientation of surrounding buildings when possible.

**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**

- Infill Housing Guidelines indicate that open space prevents overdevelopment, allows for recreation, and promotes development pattern unity. For instances of undersized lots, development of primary structures should be consistent in height, mass, and footprint with neighboring buildings and additions to existing buildings should mitigate impacts.

**Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

N/A

### ZONING HISTORY – VICINITY

**2022DV2031 ; 61 E Regent Street (west of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a three-story (maximum 2.5 stories permitted) duplex on a 31-foot wide lot with an area of 3,330 square feet (minimum width of 35 feet, area of 3,500 square feet required), **approved**.

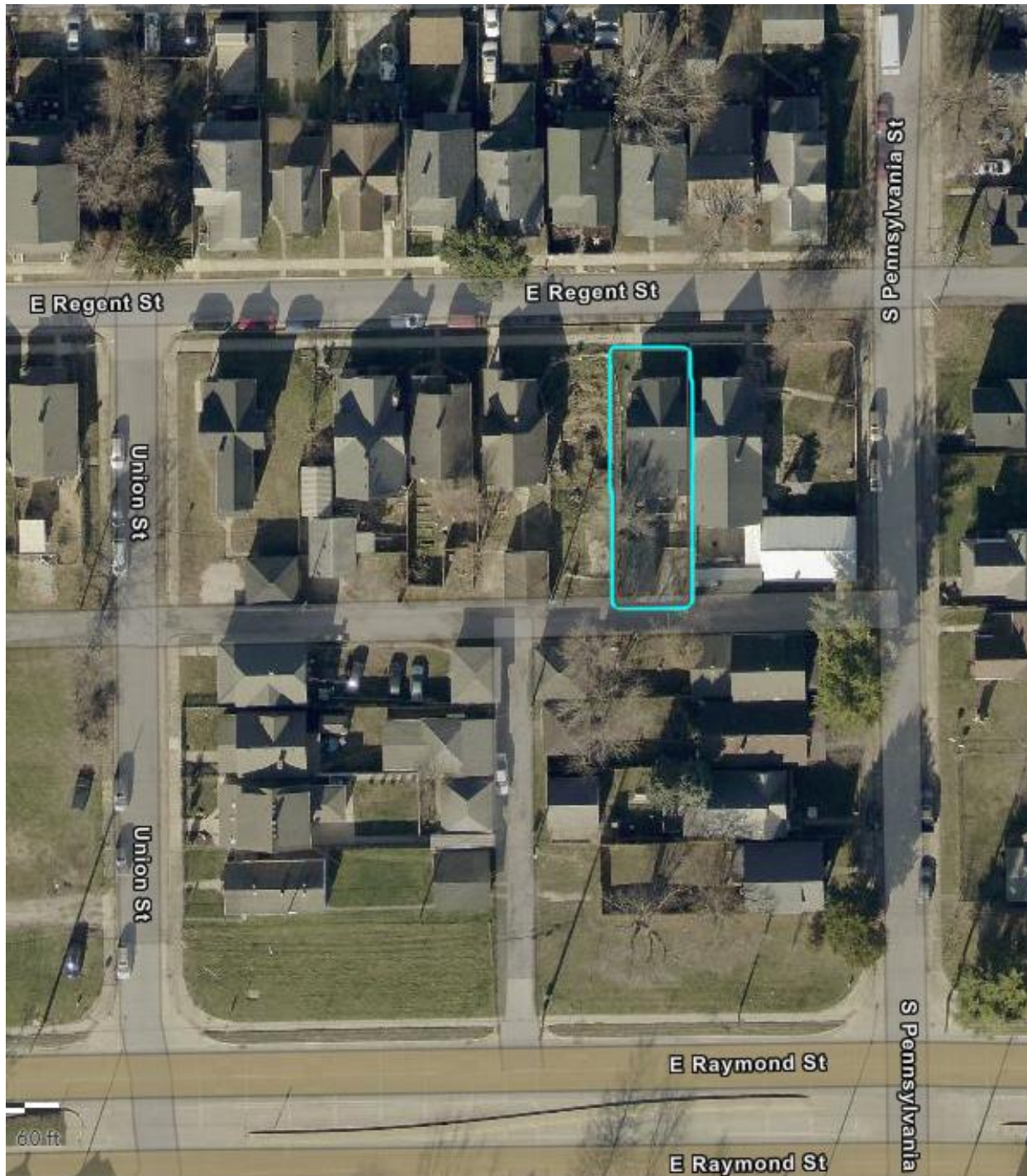
**2016SE3002 ; 2112 S Pennsylvania Street (east of site)**, Special Exception of the Consolidated Zoning / Subdivision Ordinance, to provide for religious uses, **approved**.

**2000HOV030 ; 56 E LeGrande Avenue (north of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 20 by 20-foot detached garage, creating 1,737 square feet of open space of 53.4 percent of the lot area (minimum 2,115.75 square feet of open space of 65 percent of the lot area required), **approved**.

**97-HOV-64 ; 46 E Regent Street (northwest of site)**, variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a detached garage being 20 by 22 feet with 60% devoted to open space (minimum 65% open space required), for an existing single-family residence, **approved**.

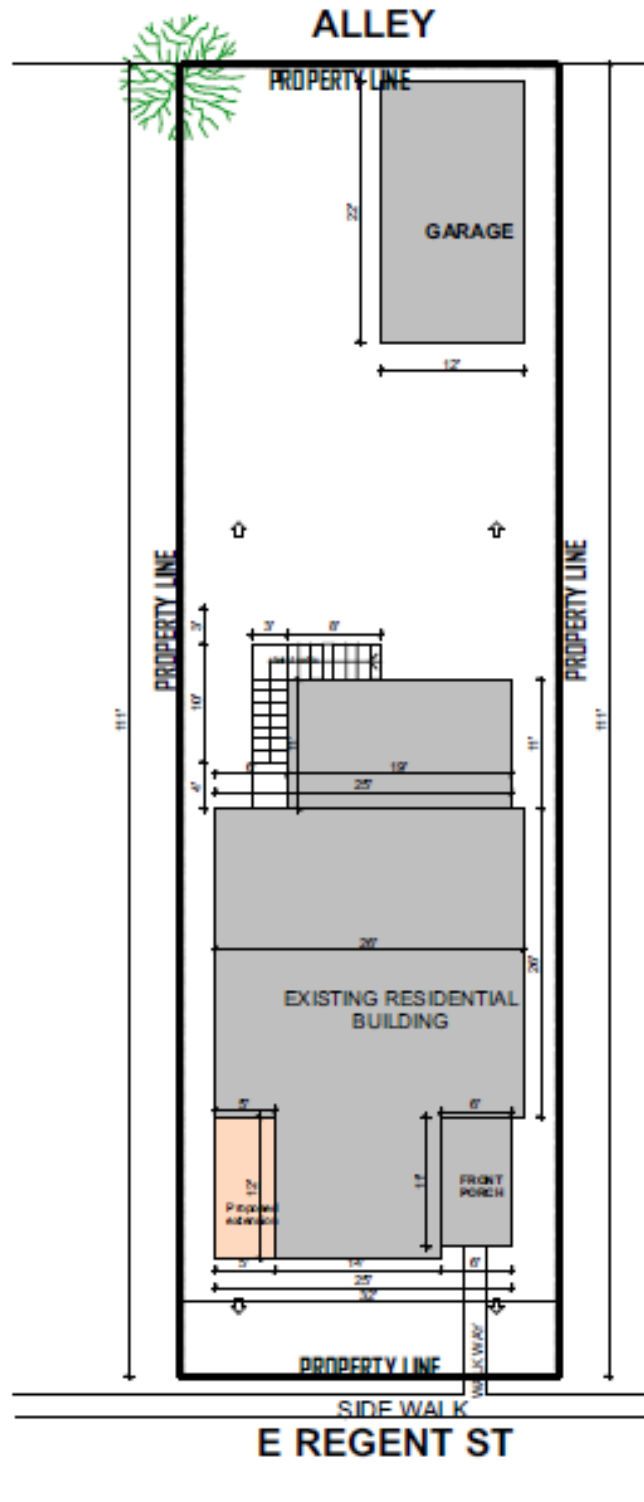
EXHIBITS

2025DV2037 ; Aerial Map

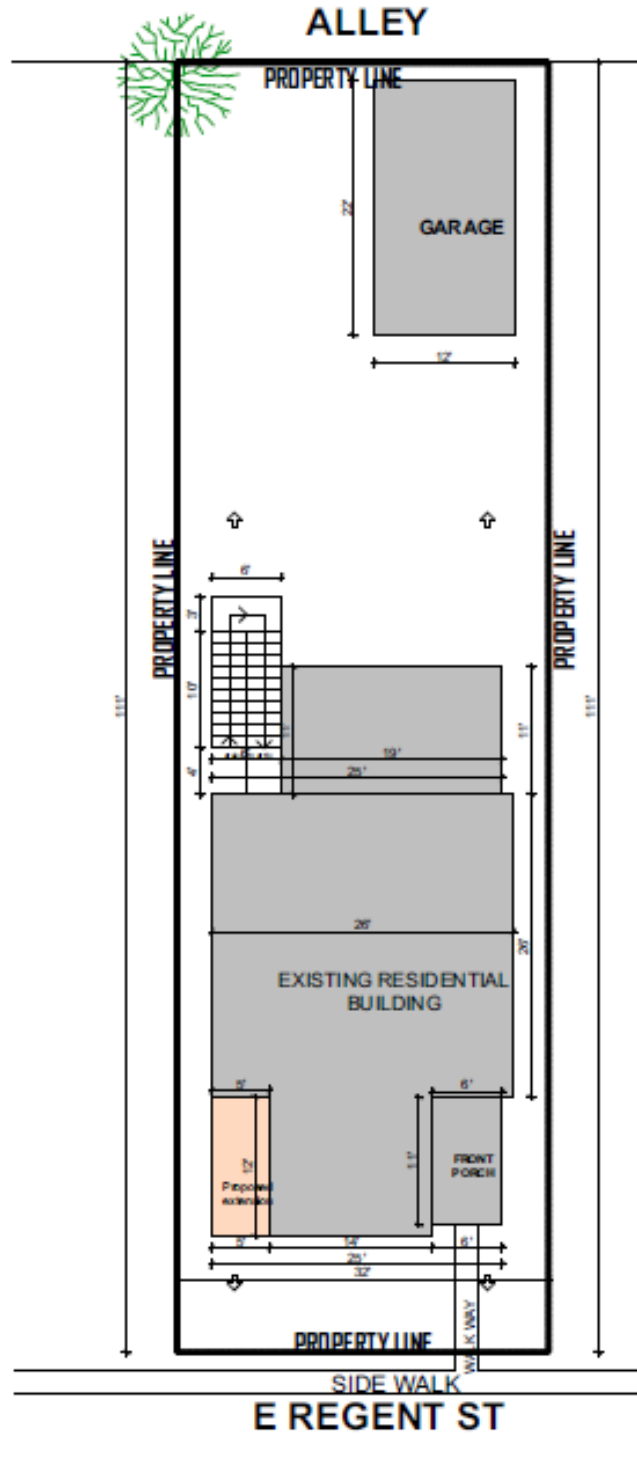




2025DV2037 ; Site Plan (09/29/2025)



**2025DV2037 ; Site Plan (08/13/2025)**

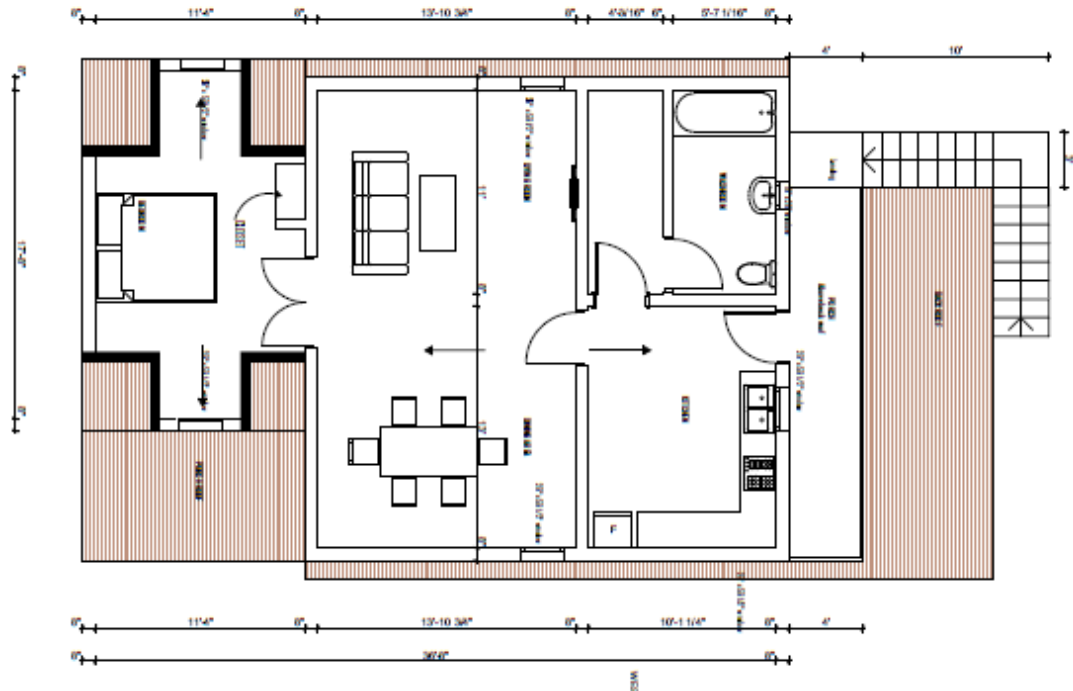
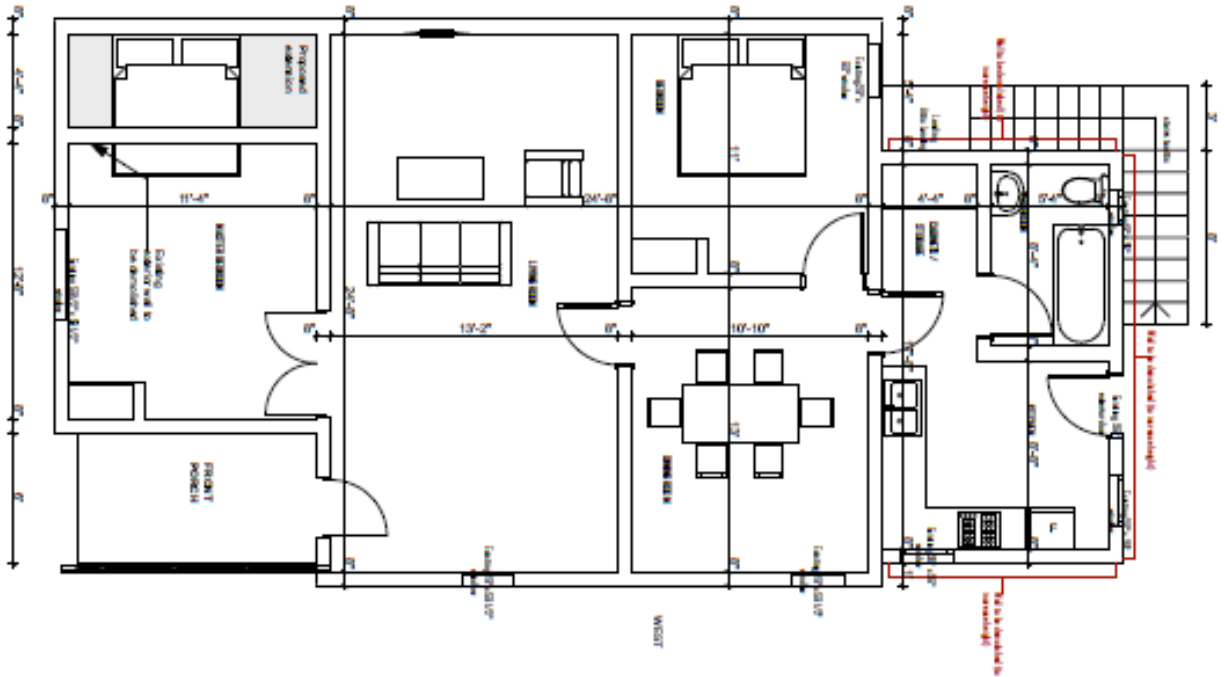




**2025DV2037 ; Elevations (proposed rear and east)**



**2025DV2037 ; Floorplans (First and Second Story)**



**2025DV2037 ; Findings of Fact**

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

The requested variances will allow the subject property to be reasonably developed and maintained in a manner consistent with surrounding residential properties. The reductions in lot area/width and open space are modest in scale and will not limit access to light or air, nor will they create visual or functional incompatibilities with neighboring properties. The project will not increase traffic, noise, or other nuisances beyond what is typical for residential use, and therefore will not be injurious to the community's health, safety, or 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:

The requested variances do not alter the overall residential character of the site or surrounding neighborhood. The lot will continue to be used and maintained in a manner consistent with adjacent properties, and the proposed development will comply with applicable building and safety codes. As a result, the use and value of adjacent properties will not be negatively impacted in a substantial way.

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

The physical constraints of the lot, including its limited width and overall area, make it impossible to fully comply with current zoning standards. Strict enforcement would prevent reasonable improvements and limit the property's functionality for residential purposes. The variances requested provide a practical solution that allows the site to be developed in a safe and efficient manner, without altering the established character of the neighborhood.

**2025DV2037 ; Photographs**



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from South



**2025DV2037 ; Photographs (continued)**



Photo 3: Adjacent Property to East (April 2024)



Photo 4: Adjacent Property to North