

BOARD OF ZONING APPEALS DIVISION I

September 02, 2025

Case Number: 2025-DV1-035 (Amended)

Property Address: 0 Canal (northwest quadrant of intersection of College Avenue and Westfield Boulevard)

Location: Washington Township, Council District #7

Petitioner: City of Indianapolis, Department of Public Utilities, Board of Directors for Utilities Trustee, Public Charitable Trust for Water System, by Mark Demerly

Current Zoning: MU-2 (TOD) (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 30-foot tall steel sculpture on top of a 2.5-foot tall concrete base with a zero-foot front yard setback and within the clear sight triangle of the intersection of College Avenue and Westfield Boulevard, and encroaching within the right-of-way of Westfield Boulevard (encroachments not permitted).

Current Land Use: Public Right-of-Way

Staff Recommendations: Staff recommends **approval** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance was filed by a registered neighborhood organization in advance of the August 5th hearing date of Division I, continuing the petition to the September 2nd hearing date.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- The subject site for this petition is at the northwest corner of the intersection of College Avenue and Westfield Boulevard within the Broad Ripple neighborhood. It would be directly to the south of the Central Canal and exists along the existing greenway within public right-of-way (the closest addressed parcel is 6280 N College to the south). Surrounding land uses are commercial in nature, and the site is located within a Transit-Oriented Development Secondary District for its proximity to the Red Line as well as within the floodway fringe given its proximity to the canal. The subject site contains a changeable copy sign in the approximate location of the proposed improvement, and staff was unable to locate evidence of a permit or variance to allow for placement of that previous sign within public right-of-way.

- Approval of this variance would allow for installation of a 30-foot steel sculpture with low-level LED lighting at the northwest corner of this intersection (the public art would be placed on a concrete base 2.5 feet from grade for a total height of 32.5 feet). The sculpture, titled Gavin-Divergence, was designed by Hoosier artist Jason Myers in conjunction with the Birge Family Foundation, the Indy Art Center, and others. Installation of the sculpture would result in the removal of the changeable copy sign and relocation of the light pole at this intersection. Plans do not indicate an impact on the existing tree or traffic signal box to the west of the proposed location.
- Since the proposed sculpture would be placed within public right-of-way, several City approvals would be required in addition to this zoning variance: an easement agreement would need to be provided from the utility holder (Citizens Water), approval from the Department of Public Works would be required through their 'Art in the Public Right-of-Way' policy, and an Encroachment License from the Department of Business and Neighborhood Services would also be needed prior to installation. At the time of publication, **(a)** the easement agreement has been provided; **(b)** DPW consent through the new policy has been granted; and **(c)** encroachment approval would be contingent upon approval of this petition.
- In addition to approval for placement within ROW, a Variance of Development Standards would be required since the sculpture would encroach into the required clear-sight triangle created by the intersection of College and Westfield (120 feet from the centerline of each street; see Exhibits). The sculpture height of 32.5 feet would not be subject to Ordinance height requirements but would comply with the 35-foot standard applicable for primary structures in MU-2 zoning.
- The area where the sculpture would be placed is zoned MU-2 (Mixed Use Two) to allow for businesses and institutions that meet the daily needs for surrounding neighborhoods, such as small-scale retail/service uses, small social spaces, and other employment, institutional, and residential uses that complement the compact and walkable development pattern. Similarly, the TOD Plan recognizes the Broad Ripple station as belonging to the District Center typology to allow for walkable areas that serve as cultural and commercial hubs, with typical building heights of between three (3) and 10 stories. The site is also within the floodway fringe.
- In 2012, the Envision Broad Ripple neighborhood plan was formally adopted by the City of Indianapolis. The Envision plan recommends the site for Linear Park and Bodies of Water uses (given the canal and greenway) and identifies it as being within both a Critical Area (Broad Ripple Village) and along a Main Street intersection where *minimum* building heights of 25 feet are contemplated. Additionally, the plan broadly discusses improving the image of the village via placement of public art at gateway areas and specifically cites the Indianapolis Art Center as a partner in maintaining "village character" reflective of a demographic that "seeks trendy... art".
- Findings of Fact provided by the applicant indicate that the proposed clear-sight triangle encroachment would not be as severe as the sightline encroachment from the parking facility to the south, and that the proposed location would comply with a clear-sight triangle based on a 100-foot distance along the centerlines instead of the 120-foot measurement taken for arterials. Based on available aerial photography and surveys, it appears that the latter argument is accurate.

- Staff does not feel that approval of variances to allow for the proposed sculpture would have a substantial negative impact on public safety. The curve of Westfield Boulevard to the southwest would create additional visibility of the intersection beyond the clear-sight triangle required by Ordinance, and the sculpture's location also would not encroach into the narrower clear-sight triangular area utilized by DPW and other traffic engineers. The sculpture is designed in a manner that wouldn't easily allow for pedestrians to climb it (the lower section is comprised of two steel I-beams with no horizontals), would be placed outside of areas that would impact nearby underground utilities, and would have no negative impact on nearby sidewalks. Additionally, structural analysis details provided by the applicant and stamped by an engineer licensed by the State of Indiana indicate that installation of the sculpture would be structurally secure, would not prevent the adjacent retaining wall from holding the wind load of 115 miles per hour, and that appropriate grounding would be employed so the structure would not act as a lightning rod.
- The Department of Public Works recently created a Policy for Art in the Public Right-of-Way to allow for a systematic process by which potential new instances of public art could be evaluated by relevant city agencies to promote public art that promotes creativity and a sense of place while also ensuring limited effects on pedestrians, transportation, or stormwater management. DPW (in conjunction with DBNS) has reviewed design, installation, and maintenance plans provided by the applicant and confirmed that the proposed sculpture conforms to one or more City messages (meaning the sculpture would not advance hate speech, condone violence, include commercial messages, etc.) and would not have negative impacts on public security, visibility, nearby City assets, environmental resources, or utilities.
- Staff's analysis was primarily focused on aspects related to public safety and to the two (2) variances requested (clear-sight triangle encroachment and placement within right-of-way) and did not primarily focus upon questions of aesthetics. The recommendation provided here would be consistent with the recommendation given to any statue in a similar location and with similar dimensions. Given the compliance of the sculpture with both DPW policy on artwork within ROW as well as the comprehensive plan, staff recommends approval of the variances to allow for placement within ROW as well as minor encroachment into the clear-sight triangle.

GENERAL INFORMATION

Existing Zoning	MU-2 (TOD) (FF)	
Existing Land Use	Public right-of-way	
Comprehensive Plan	Linear Park / Bodies of Water	
Surrounding Context	Zoning	Surrounding Context
North:	D-7	North: Canal/Commercial
South:	MU-2	South: Commercial
East:	C-4	East: Commercial
West:	D-7 / MU-2	West: Canal
Thoroughfare Plan		
College Avenue	Primary Arterial	50-foot existing right-of-way and 78-foot proposed right-of-way

Westfield Boulevard	Secondary Arterial	40-foot existing right-of-way and 56-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	05/05/2025	
Site Plan (Amended)	N/A	
Elevations	06/25/2025	
Elevations (Amended)	N/A	
Landscape Plan	06/19/2025	
Findings of Fact	05/05/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Red Line Transit-Oriented Development Strategic Plan
- Envision Broad Ripple (2012)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan (etc.) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line Transit-Oriented Development Strategic Plan recommends this site to the District Center land use typology to allow for walkable areas of multiple city blocks, serving as cultural and commercial hubs for multiple neighborhoods with a mix of office, retail, entertainment, and residential uses. Buildings at station should be between 3 and 10 stories in height.
- Although painted artwork is encouraged to break up spans of blank walls, the plan does not offer specific guidance on placement of sculptures or other three-dimensional public art.

Neighborhood / Area Specific Plan

- The Envision Broad Ripple Plan (2012) recommends this area for Linear Park and Bodies of Water uses given its location along the Central Canal and greenway connector. It is also located within what the plan designates as Critical Area 2 (Broad Ripple Village) to allow for development as a pedestrian-

oriented mixed-use village promoting population density and vital streetscapes. The sculpture would be at the intersection of the Main Street Corridor and College Avenue Corridor where minimum heights of 25 feet are contemplated.

- The Plan seeks to improve the image of the Village by, among other methods, improving gateways that are consistent with and speak to the “village character” through placement of public art in coordination with the Indianapolis Art Center. It also describes Broad Ripple as an area that caters to a demographic that “seeks trendy restaurants, art and late-night entertainment”.

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

N/A

ZONING HISTORY – VICINITY

2023DV1057 ; 6230 N College Avenue (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a mixed-use building with a building height of up to 68-foot tall, with extensions up to 82.5-foot tall for an elevator shaft and stairwell, **approved**.

2021CVR804A ; 6230 N College Avenue (south of site), Variance of development standards to provide for a commercial building with a 0-foot front yard setback (5 feet required) and proposed 61.67 of building height (maximum 35-foot building height required), **approved**.

2014DV1024 ; 6286 N College Avenue (south of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a 22-seat, restaurant sidewalk café in the right-of-way (not permitted) of College Avenue, with a wrought iron fence, umbrellas and portable propane heaters, **approved**.

2012DV2006 ; 6280 N College Avenue (south of site), Variance of development standards of the Flood Control Districts Zoning Ordinance to provide for a retail and garage building, with its lowest floor elevation at 719.2 feet, without structural floodproofing (flood protection grade of 723.00 feet, two feet above the base flood elevation or structural flood proofing for nonresidential buildings required), **denied**.

2011DV2021 ; 6280 N College Avenue (south of site), Variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a building with a zero-foot setback (30 and 45 feet from the centerline, respectively) from Westfield Boulevard and College Avenue (70-foot setback from the centerline required): (a) with 8.75 by 18-foot parking spaces or 157.5 square feet (minimum nine-foot width and 180 square feet required); (b) with zero loading spaces (one loading space required); (c) with a drive-through bank with six stacking spaces (one stacking space after and six stacking spaces before the final component required); and (d) without a bypass aisle to access parking spaces (no bypass lane provided), **approved**.

2006DV3002 ; 506 W 26th Street (east of site), VARIANCE OF DEVELOPMENT STANDARDS of the Sign Regulations to provide for the construction of a four-foot tall, 18.25 square foot ground sign (not permitted), **approved**.

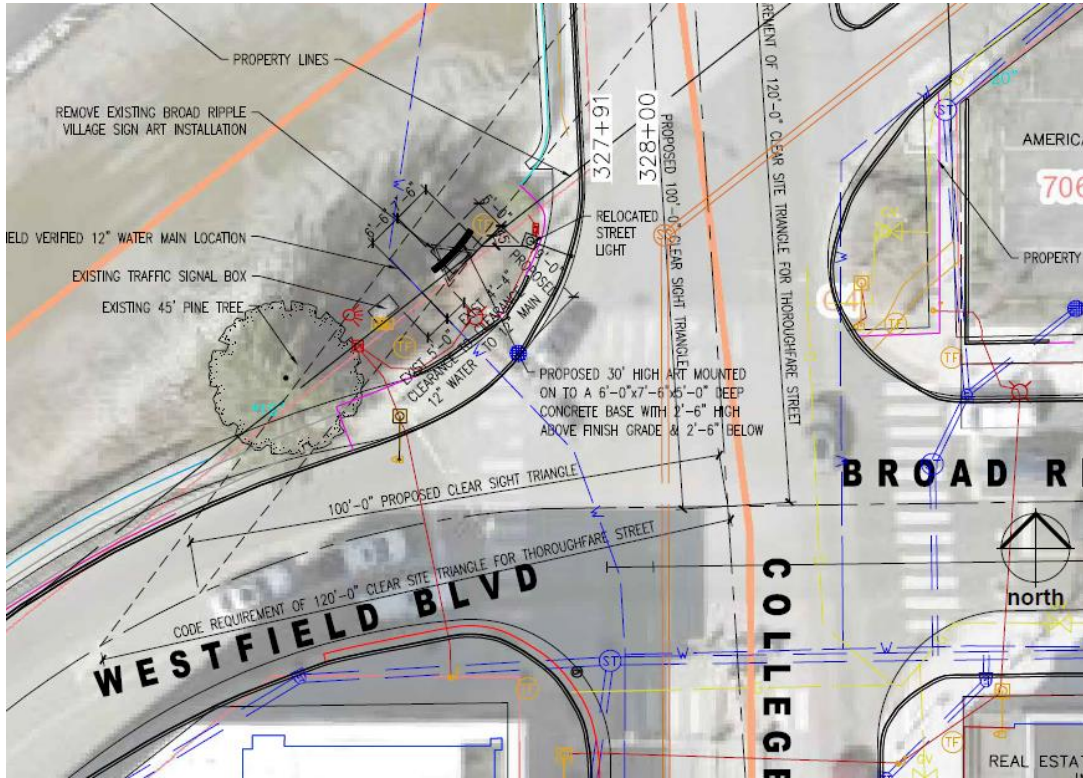
2004DV1031 ; 6290 N College Avenue (north of site), Variance of development standards of the Sign Regulations to provide for a 24-foot tall, 101.89-square foot pylon sign with a 37.73-square foot electronic variable message component, **denied**.

EXHIBITS

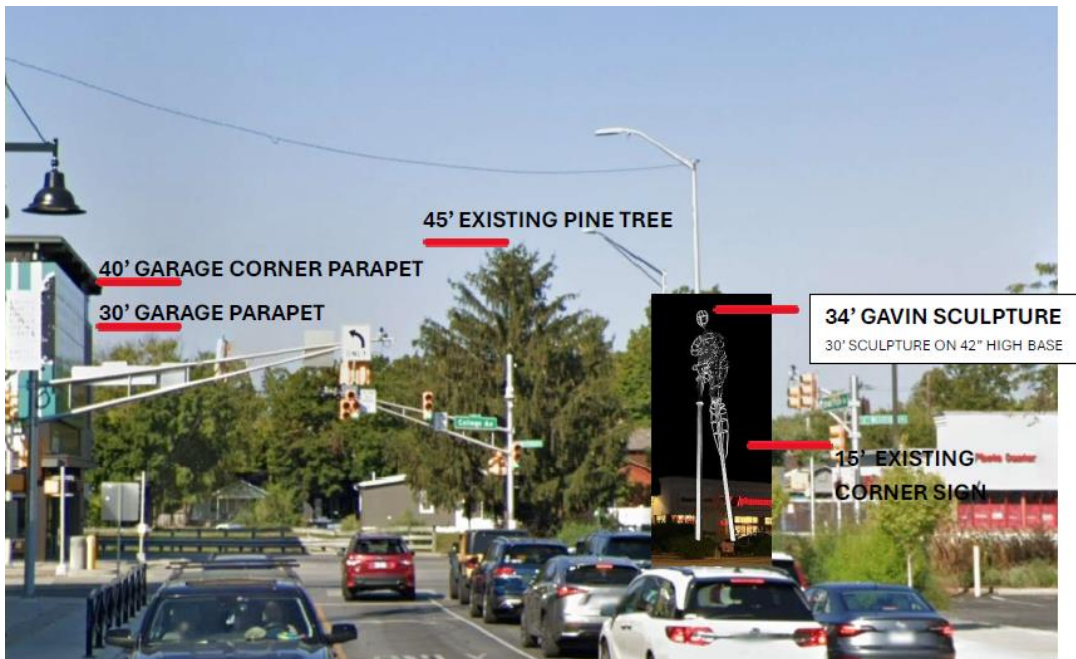
2025DV1035 ; Aerial Map



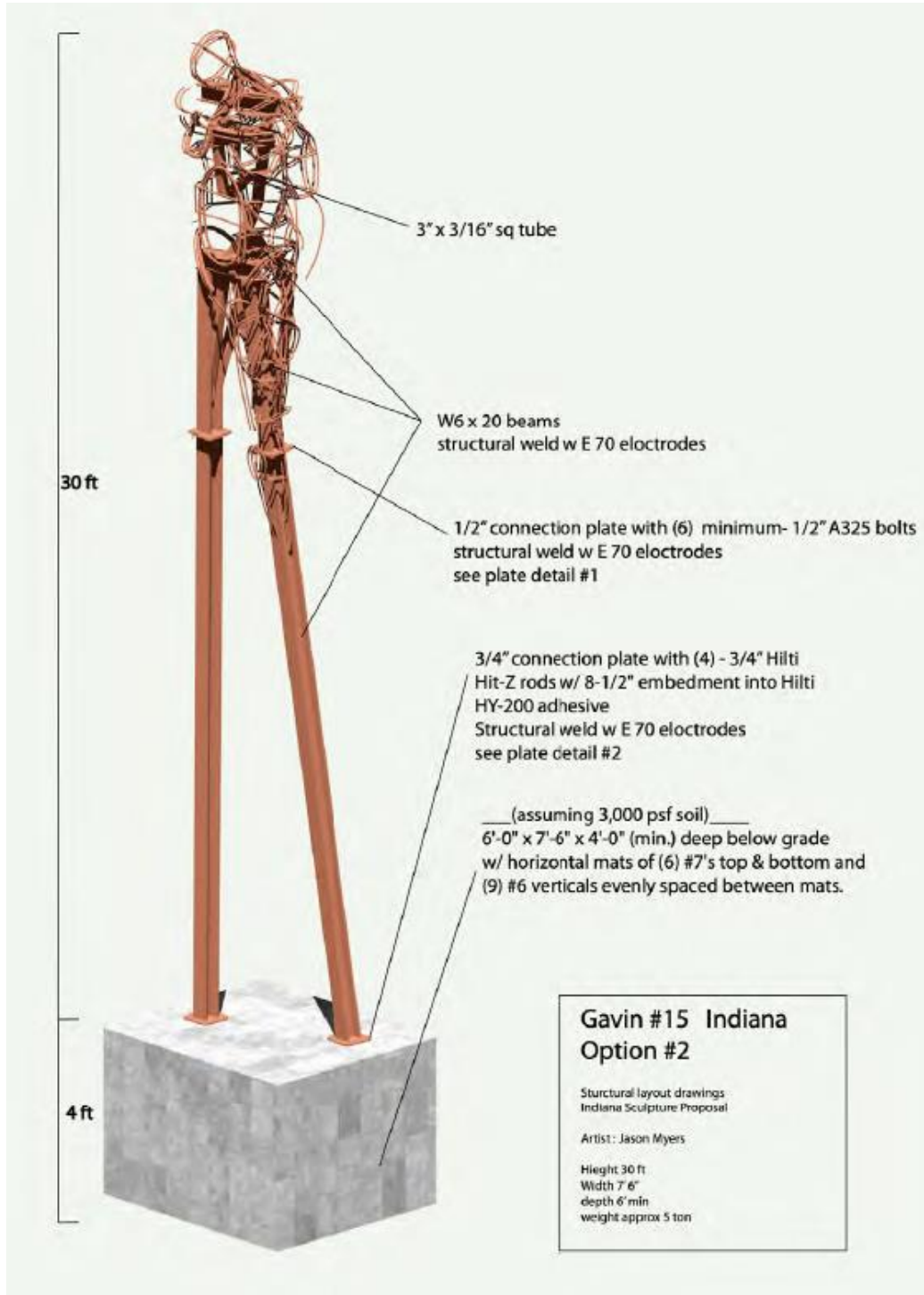
2025DV1035 ; Site Plan



2025DV1035 ; Rendering



2025DV1035 ; Sculpture Elevation



Note: Proposed base height will be 2.5 feet from grade (base partially underground)

2025DV1035 ; Findings of Fact

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

The existing clear site triangle condition is less than what is being requested for the proposed sculpture.

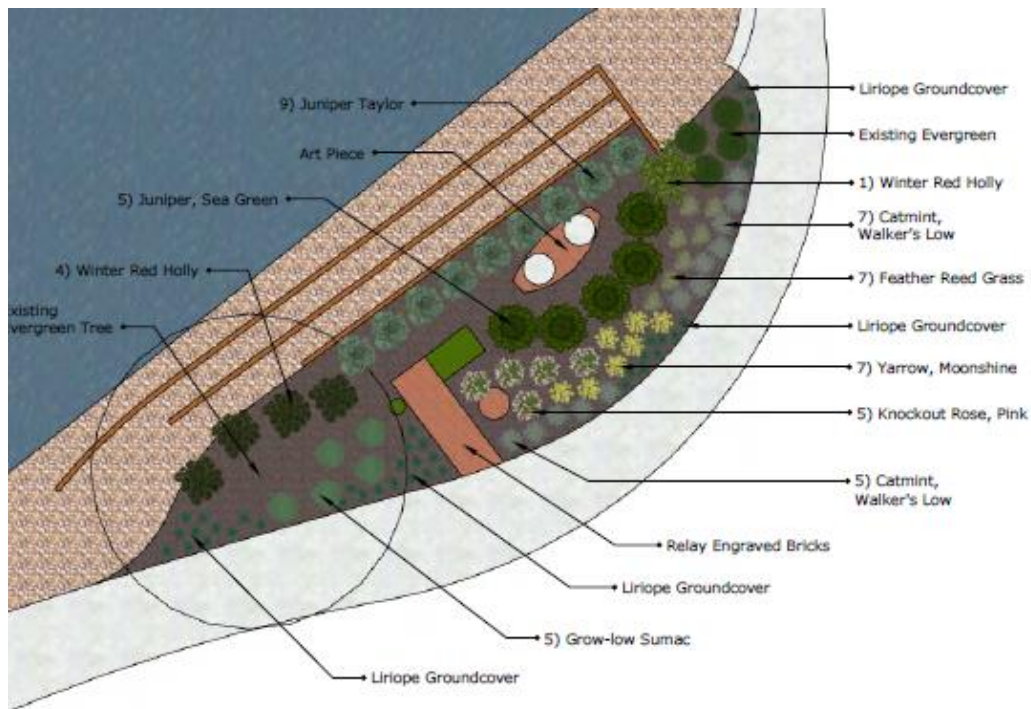
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The existing clear site triangle condition is less than what is being requested for the proposed sculpture. This property is in the public right of way and the land to the north is the Central Canal. The property to the south is with in the clear sight of triangle requirement and this request will have no effect on that property or the other surrounding properties.

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

The existing clear site triangle condition is less than what is being requested for the proposed sculpture. There is not enough room on the site to move the sculpture to the required 120' clear sight triangle.

2025DV1035 ; Proposed Landscaping



2025DV1035 ; Photographs



Photo 1: Existing Sign and Lightpole from East



Photo 2: Existing Sign and Lightpole from West

2025DV1035 ; Photographs



Photo 3: Proposed Sculpture Location from Northeast of Intersection



Photo 4: Proposed Sculpture Location from South of Intersection (TOD Station)

2025DV1035 ; Photographs



Photo 5: Proposed Location from College Ave to North

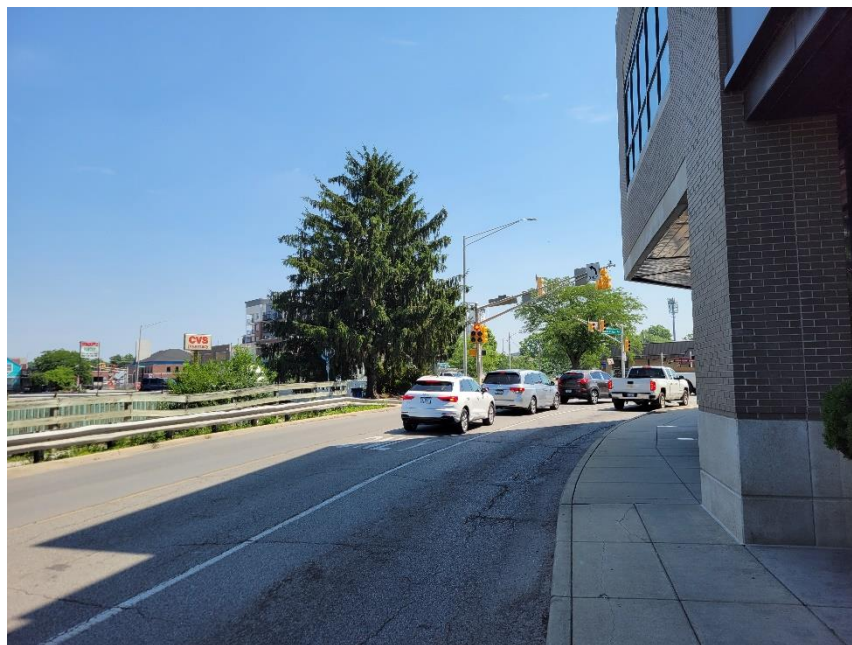


Photo 6: Proposed Location from Westfield Blvd to West

2025DV1035 ; Photographs



Photo 7: Adjacent Property and Canal to North

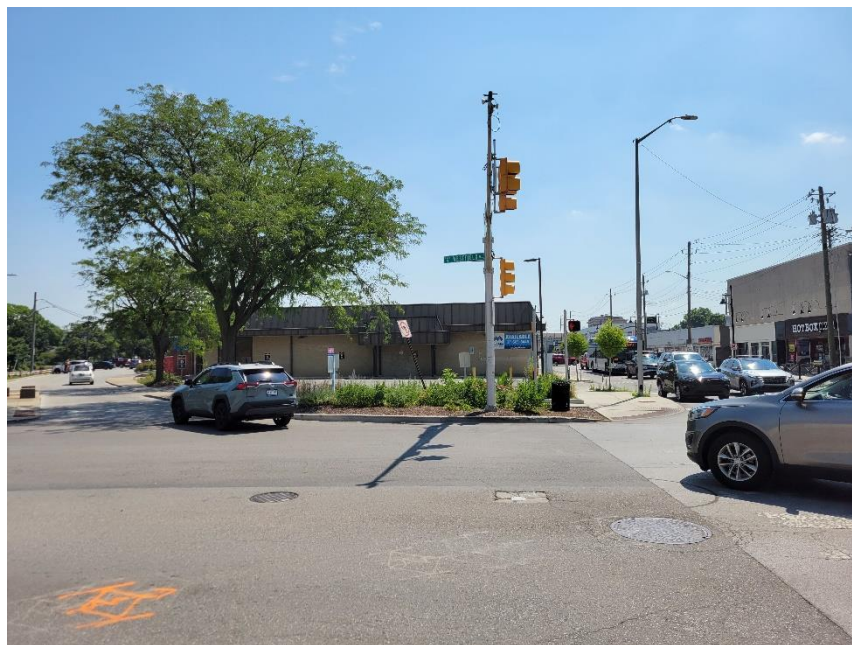


Photo 8: Adjacent Property to East

2025DV1035 ; Photographs



Photo 9: Adjacent Property to Southeast



Photo 10: Adjacent Property to South