

**BOARD OF ZONING APPEALS DIVISION II**

**August 12, 2025**

**Case Number:** 2025-UV2-011

**Property Address:** 5380 North College Avenue (parcel address 651 East 54<sup>th</sup> Street)

**Location:** Washington Township, Council District #7

**Petitioner:** 5400 College Ave LLC, by Elizabeth Bentz Williams

**Current Zoning:** C-3 / D-5 (TOD)

**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a bar within 10 feet of a protected district (100-foot separation required).

**Current Land Use:** Commercial

**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**

- 5380 North College Avenue is a commercial parcel at the southwest corner of the intersection of College Avenue and 54<sup>th</sup> Street. The property contains two (2) tenant spaces: the larger of the two currently contains The Bulldog Bar and Lounge, and the smaller tenant bay to the west (parcel address 651 East 54<sup>th</sup>) is currently in use as a cocktail lounge accessory to the primary sports bar use. Surrounding land uses are primarily commercial in nature clustered at the intersection, with residential development to the northwest and west buffered by 54<sup>th</sup> Street and an alley respectively. The College and 54<sup>th</sup> Red Line Stop is located to the north of the subject site.
- Prior to the current occupant, the subject portion of the site functioned as a separate and distinct restaurant and sports bar (Moe and Johnny's). That user applied for and received a Development Standards variance in 2016 to allow for installation of the pergola improvement on the north of their tenant space. That use appears to have ceased operation around 2020, at which point the Bulldog Bar began utilizing it as an accessory cocktail lounge space (the most recent use).

- This petition is being sought to allow for a bar to legally operate within this tenant bay. The proposed user (West Fork Whiskey Co.) would operate as a bar that serves beer, wine, and liquor, and would also house a full-service restaurant. Since the current ordinance standards for separation between a bar and Protected Districts to the west/northwest would not be met and since the use would solely allow 21+ patrons to enter (therefore requiring 'bar or tavern' to be the primary use classification instead of 'eating establishment'), a Variance of Use would be required for the proposed bar given its proximity to residential zoning to the west despite being a similar land use to previous tenants within this space and being an allowed use within C-3 zoning.
- Approval of this variance would not allow for any exemption from applicable licensing requirements from the Department of Business and Neighborhood Services, use-specific standards from the Indianapolis Zoning Ordinance, or health regulations on bars from the State of Indiana or the Marion County Department of Health. Additionally, although parking at the site wouldn't meet required minimums per current Ordinance, no change or expansion of use is proposed so the site wouldn't be required to retroactively comply with that standard.
- The property is zoned C-3 (Neighborhood Commercial) to allow for an extensive range of retail and service uses (including restaurants and bars). The Red Line TOD Plan encourages commercial uses at corner nodes within the Walkable Neighborhood typology, and the Meridian-Kessler Neighborhood Plan recommends this site to the Urban Mixed-Use typology to allow for dense, pedestrian-oriented mixed-use development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis area. That plan also places the site within Critical Area 102 which contemplates bars as a land use but within "appropriate" buffers and with additional encroachment into residential areas discouraged.
- Operation Plan details submitted by the applicant indicate that the bar and restaurant associated with a local artisan distiller would be staffed by a maximum of three (3) employees at once and would be open from 8 am to 11 pm on weekdays and 8 am to 1 am on weekends. Findings of Fact provided by the applicant state that alcohol has been previously sold at the site for decades and that the general operation of this business would not differ dramatically from previous uses as a separate sports bar and accessory cocktail lounge for the adjacent, larger sports bar.
- Staff would note that beyond the specific previous uses within the 651 East 54<sup>th</sup> tenant space, the context of this commercial corridor would be uniquely supportive of a deviation from this ordinance standard given its placement at a walkable commercial corner node and within Critical Area 102 from the Meridian-Kessler Plan. Staff also feels that the proposed use and proximity are consistent with the Livability Principles within the Ordinance related to the enhancing of the unique characteristics of communities without the creation of additional negative externalities beyond the current uses at the property and intersection. Staff recommend approval of the petition.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-3 / D-5 (TOD)	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Urban Mixed Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-3 / D-3	North: Commercial / Residential
South:	D-5	South: Residential
East:	C-3 / D-5	East: Commercial
West:	D-5	West: Residential
<b>Thoroughfare Plan</b>		
East 54 <sup>th</sup> Street	Local Street	48-foot existing right-of-way and 48-foot proposed right-of-way
College Avenue	Primary Arterial	78-foot existing right-of-way and 78-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	07/08/2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	07/08/2025	
<b>Findings of Fact (Amended)</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Red Line Transit-Oriented Development Strategic Plan
- Meridian-Kessler Neighborhood Plan (2016)

### Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Meridian-Kessler Neighborhood Plan below.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Given its proximity to the College and 54<sup>th</sup> Red Line stop, the TOD Strategic Plan recommend this property to the Walkable Neighborhood TOD typology to allow for walkable areas that are primarily residential but may have a commercial node of one to two city blocks. The Plan envisions a mix of uses at the station with stabilized residential beyond and limited off-street surface parking.

#### **Neighborhood / Area Specific Plan**

- The Meridian-Kessler Neighborhood Plan recommends this site to the Urban Mixed Use typology to allow for dense, pedestrian-oriented mixed-use development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis area.
- The Plan also designates it as being within Critical Area 102 (College Avenue at 54<sup>th</sup> Street) containing a grocery store, bars, night club, cafes, coffee shop, hair salon, and offices. The Plan discourages commercial uses from intruding further into residential areas and indicates that an appropriate buffer between commercial and residential uses along College Avenue should be provided to minimize the impact of noise, lighting, and trash.

#### **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

**2016DV1046**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a pergola, with a zero-foot setback from 54th Street (minimum 10-foot setback required), and within the clear sight triangle of the lot's parking area driveway and abutting alley (not permitted), **approved**.

### ZONING HISTORY – VICINITY

**2011DV2028 ; 5402 N College Avenue (north of site)**, Variance of development standards of the Commercial Zoning Ordinance to provide for a sign canopies, measuring eight by 25 feet and eight by 39 feet, extending eight feet into the right-of-way of North College Avenue (not permitted) to cover two outdoor cafes (not permitted), measuring eight by 19 feet and eight by 13 feet, including 12 seats and eight seats, respectively, and both with 32-inch tall rails, **approved**.

**2008HOV020 ; 5415 N College Avenue (northeast of site)**, Variance of Development Standards of the Commercial zoning ordinance to provide for the sale of alcohol within 36 feet of a protected district and 200 square feet of outdoor storage of produce, **approved**.

**2006UV1002 ; 5420 N College Avenue (north of site)**, Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for a hair salon use (not permitted) and to legally establish parking areas with a zero-foot north side yard setback and an interior access drive with a zero-foot south side yard setback (minimum fifteen-foot side transitional yards required), and parking areas with a zero-foot rear yard setback (minimum ten-foot rear transitional yard required), **approved**.

**2005DV3021 ; 5402 N College Avenue (north of site)**, Variance of Development Standards of the Commercial Zoning Ordinance to legally establish a café within a 1250.5-square foot tenant space of an existing commercial building, with zero off-street parking spaces, **approved**.

**2005HOV014 ; 5401 N College Avenue (northeast of site)**, provide for a grocery store w/ carryout alcohol sales located 20 ft. from a protected district (carryout alcohol sales not permitted within 100 ft. of a protected district), **withdrawn**.

**97-HOV-44 ; 5363 N College Avenue (east of site)**, Variance of use and development standards of the Commercial Zoning Ordinance to provide for the construction of a deck, being 14.5 by 37.06 feet, for outdoor seating for an existing restaurant and nightclub being 41 feet from the centerline of North College Avenue and one foot from the right-of-way line of North College Avenue, and being 56 feet from a Dwelling District, **approved**.

**83-UV1-54 ; 645 E 54<sup>th</sup> Street (west of site)**, Variance of use to establish a child and adolescent psychiatrist's professional office in the existing residence with one office assistant, **approved**.

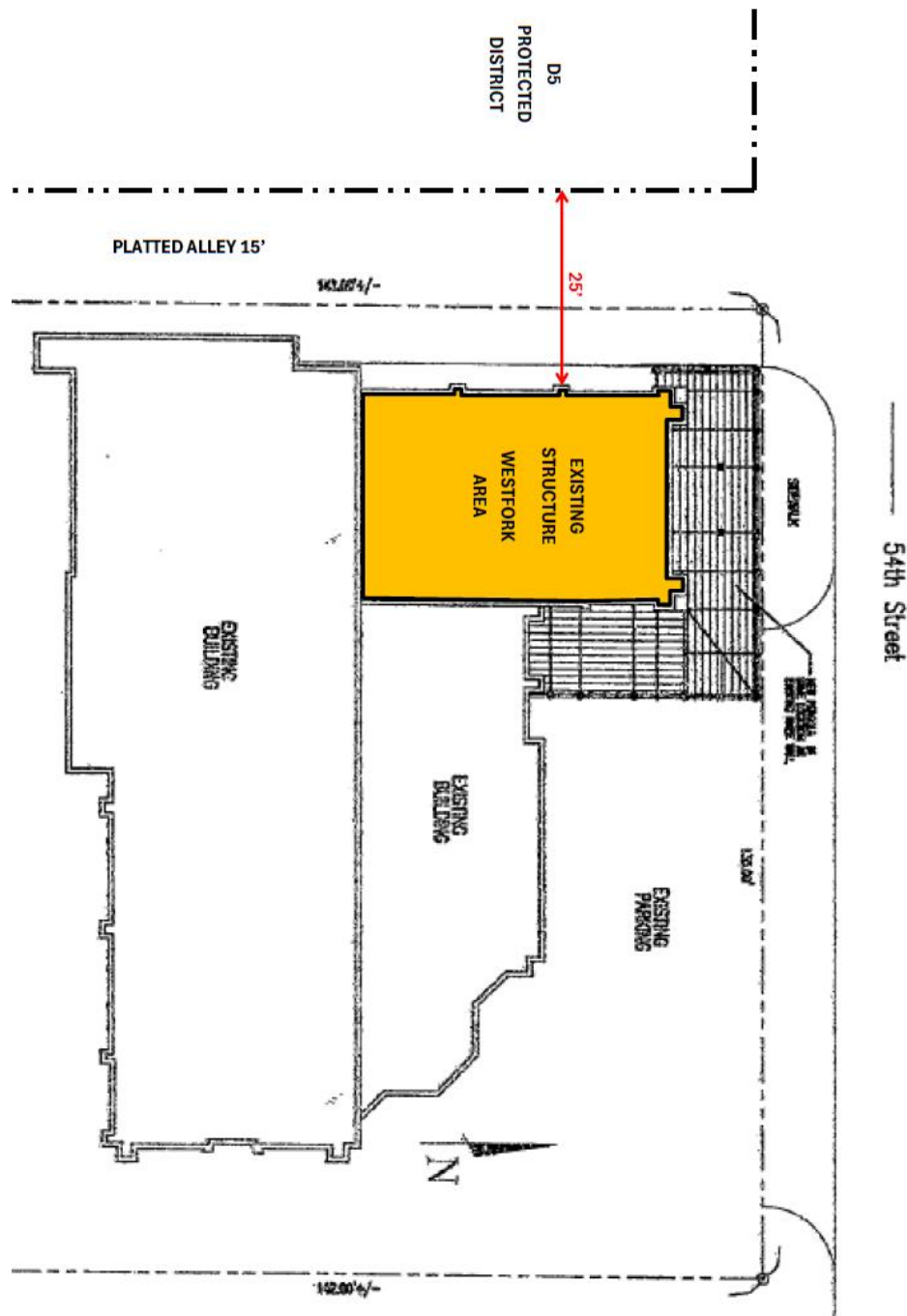


EXHIBITS

2025UV2011 ; Aerial Map



**2025UV2011 ; Site Plan**



(Note: the proposed use would only be located **10 feet** away from the eastern property line/zoning boundary; above diagram shows the 25-foot separation from the neighboring property line on other side of western alley)

## **2025UV2011 ; Findings of Fact**

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

*The proposed use of alcohol sales is currently taking place at the site and has operated at the site for decades. The proposed use would be located in a portion of an existing commercial structure with adequate on-site parking, on street parking and access to the subject site. There is nothing associated with this use that would distinguish it from the other similar nearby commercial uses. The only difference in the operation is the proposed use is operated by a different business entity, rather than the business that operates in the remainder of the space.*

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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 proposed use is a retail establishment. The subject site is zoned C-3. The proposed use is consistent with the C-3 zoning and the surrounding uses in the area. The business owners have other similar business in Indianapolis and the surrounding communities that are successful and community assets. The owners have demonstrated compliance with Indiana's alcoholic beverage laws, and the plan of operations in place reflects the respect for the community. The owners' former location in the Kennedy King neighborhood, the current use in Fountain Square and their current production facility and restaurant in Westfield have integrated well into the fabric of the community and have caused no negative impacts on the area, nor any code or health violations.*

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

*The site is zoned C-3, is situated in an area that has been identified as a Transit-Oriented Development area in the Indianapolis comprehensive plan, and is collocated within a portion of a structure with a neighborhood bar and restaurant where alcoholic beverages have been sold for decades. The proposed operation will have no characteristics which are appreciably different than the current use at the site or in the general area. Other than the petitioner operating at the site instead of only the current neighborhood bar and restaurant operator, the general operation will not substantially change. Thus, applying the use-specific standard in this context does not serve any meaningful purpose.*

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## **2025UV2011 ; Plan of Operation**

**Use:** Currently, the Site carries C-3 zoning and is located in a Transit-Oriented Development Overlay district. The parcels to the south and west are carry D-5 zoning, and the parcel to the north carries both C-3 and D-5 zoning. The Site is located at the intersection of East 54<sup>th</sup> Street and North College Avenue, which contains businesses at all four corners of the intersection, including multiple restaurants and bars and a full-service grocery store. The intersection also contains an IndyGo Red Line stop and is blocks away from other bars, restaurants, and other retail establishments in the neighborhood. A bar/restaurant has operated at the Site, including both 5380 and 651, since at least 1974, first as the Bulldog, then as Moe and Johnny's, and currently as the Bulldog Bar and Lounge. Presently, 651 operates as a cocktail lounge that is part of the Bulldog Bar and Lounge called The English.

The petitioners plan to open West Fork Broad Ripple, a restaurant serving beer wine and liquor, as part of the larger West Fork Whiskey Co. ("West Fork"). West Fork is a local distiller and artisan distiller currently headquartered in Westfield, Indiana. Their original distillery was located in the Kennedy King neighborhood of Indianapolis, and they currently also operate West Fork Social House in the Fountain Square neighborhood of Indianapolis.

### **Hours and Details of Operation:**

West Fork Broad Ripple will operate as a full-service restaurant and cocktail lounge to individuals aged twenty-one (21) and over. The restaurant will open at 8:00 a.m. seven days a week. It will close around 11:00 p.m. during the week and around 1:00 a.m. on the weekend. Its hours will be more limited than the Bulldog Bar and Lounge next door in 5380.

The maximum number of employees that would be working at a given time is three (3) staff members.



**2025UV2011 ; Photographs**



Photo 1: Subject Site Viewed from Northwest



Photo 2: Subject Site Viewed from Northeast

**2025UV2011 ; Photographs (continued)**



Photo 3: Northern Property Line Frontage/Parking Viewed from East



Photo 3: Northern Property Line Frontage/Parking Viewed from West



**2025UV2011 ; Photographs (continued)**



Photo 5: Alley to West of Subject Site Viewed from North



Photo 6: Subject Site Dumpster & Western Alley Viewed from South

**2025UV2011 ; Photographs (continued)**



Photo 7: Adjacent Property to West



Photo 8: Adjacent Property to North/Northwest



**2025UV2011 ; Photographs (continued)**



Photo 9: Adjacent Property to North



Photo 10: Adjacent Property to Northeast



**2025UV2011 ; Photographs (continued)**



Photo 11: Adjacent Property to East



Photo 12: Rear Parking Area + Adjacent Property to South