



BSE&ED Case No.: 64-10 1400 Porter Street
Decision Date: January 10, 2012
Effective Date: January 24, 2012

Applicant
Daryl M. Pierson
Rio Porter, LLC
1400 Porter Street
Detroit, MI 48216

Owner
Porter Street Properties, LLC
c/o James G. Saros
17108 Mack Avenue
Grosse Pointe, MI 48230

Request: Establish a Cabaret (Group A License) in an existing 4,260 S.F. Building.

Located at: 1400 Porter Street between Trumbull and Eighth Street in a B4 (General Business) District; and legally described as: *Lots 11 and 12, Lot 1 and the east 10 feet of Lot 2 of Block 72 Woodbridge Farm, Liber 1, Page 146-7, Plats, W.C.R.*

This request is to convert a Private Club to a Cabaret (Group A). A Group A Cabaret permits dancing, entertainment and on-site consumption of beer, wine and alcoholic beverages. This is a regulated use, subject to spacing requirements. Previously a standard restaurant with a Class "C" liquor license and nightclub permit was approved at this location under BSEED Grant 70-05, however, the use was vacated and the zoning expired.

This request has been processed in accordance with the provision of Sections 61-3-201, 61-3-252(2), 61-9-82(7) and 61-12-159 of the Zoning Ordinance and the following submittals were considered as part of this request:

1. Site plan prepared by Hammond Drafting and Design Services dated 8-8-09.
2. Recommendation from the Detroit Planning & Development Department to DENY the proposed use dated February 10, 2011.

Our department held a public hearing on 1-19-11. Notice of this hearing was published in the Detroit Legal News on 12-20-10 and mailed to 70 property owners within 300' of the subject site. One letter was received in support of the proposal; six (6) letters in opposition. Twelve (12) people attended the hearing, which included three (3) members of the development team and nine (9) people opposed to the request. A petition with 42 residents and property-owners in opposition to the proposed use was also submitted at the Public Hearing.

After careful consideration, the following findings of fact were made:

- 1) The proposed use is deficient in off-street parking by ten spaces. The BSEED does not have authority to waive the parking requirement and finds that



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deficient parking in this case would interfere with the use and enjoyment of other property in the surrounding neighborhood;

- 2) That negative behavior including loud music, loitering, littering and public intoxication have been reported relative to alcohol related events at this location in the past. Such behavior is detrimental to the social, physical, environmental and economic well being of the surrounding area and expanding the use from temporary to an established Cabaret will exacerbate the negative impact to the surrounding neighborhood;
- 3) The establishment of this conditional use is not compatible with historic Corktown community in terms of location, size and character; and
- 4) There are currently four (4) regulated uses within a 1,000' radius of the subject property, therefore a concentration of regulated uses already exists.

Therefore, the request to establish a Cabaret at 1400 Porter is DENIED.

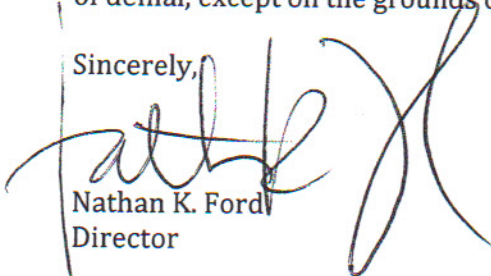
This decision will become effective **January 24, 2012**.

However, Section 61-3-242 of the Zoning Ordinance provides the right to appeal to this decision to the Board of Zoning Appeals prior to the effective date of this decision, in which an additional fee may be required. **All appeals must be made in person at the Zoning Counter, 4th Floor, Coleman A. Young Municipal Center.**

It shall be the responsibility of the person or organization who files an appeal, or his/her duly authorized representative to attend the public hearing held by the Board of Zoning Appeals and to give proper testimony, under oath, as to why the original decision of this Department should not take effect.

If no written appeal is filed prior to the effective date of this decision, the denial shall be deemed final and the use shall cease immediately. No application which has been denied wholly or in part shall be submitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions.

Sincerely,


Nathan K. Ford
Director

NKF/tbs