

**Zoning Board of Appeals
September 25, 2019 Regular Meeting**

STAFF REPORT

Subject: ZBA19-027, 3521 Washtenaw Avenue

Summary:

Johnson Sign Company, representing Brixmor Arborland LLC, is seeking a 50 foot height variance from Sections 5.24.4 (2) Ground signs and a 46.8 square foot (per sign face) variance from Section 5.24.13 (A) Changeable Copy Signs. The variances would allow a 75 foot tall ground sign to remain and the existing time and temperature panels to have changeable copy messages and text.

Background:

A sign permit application was submitted to renovate the existing “ARBORLAND” sign. The Unified Development Code requires a sign that is nonconforming to be brought into compliance if the sign has any changes made in the structure, shape, size, type, design, or mechanical or electrical equipment. The proposed changes require variance approval.

Description:

The work involves the following: removal of the existing neon, transformer, and wiring. Make necessary repairs and replace neon with LED tubes. Clean and replace the existing cabinet, replace the time and temperature bulbs and replace with a new LED video screen of the same size as the existing cabinet. The structural I-beams are to be wrapped with a dark bronze aluminum material.

Standards for Approval - Chapter 55 (Zoning) Variance -

The Zoning Board of Appeals has all the power granted by State law and by Section 5:27.4 Powers, Application of the Variance Power from the City of Ann Arbor Unified Development Code (UDC). The following criteria shall apply:

- (a). *That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City.***

The applicant states the sign is an icon to the City and has a long history associated with it. The existing sign was well built, but the electronic components are outdated and require replacement. The new modern LED components are more environmentally friendly and will reduce the carbon footprint.

- (b). *That the alleged hardships or practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

The new modern LED components are more environmentally friendly and will

reduce the carbon footprint.

- (c). ***That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

The applicants state granting the variance will not impact the neighboring properties. The public will benefit from the continued use of this landmark sign and the community will benefit from the new lower energy technology.

- (d). ***That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.***

The shopping center management team desires to maintain the historic character and appearance of this iconic sign.

- (e). ***A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure***

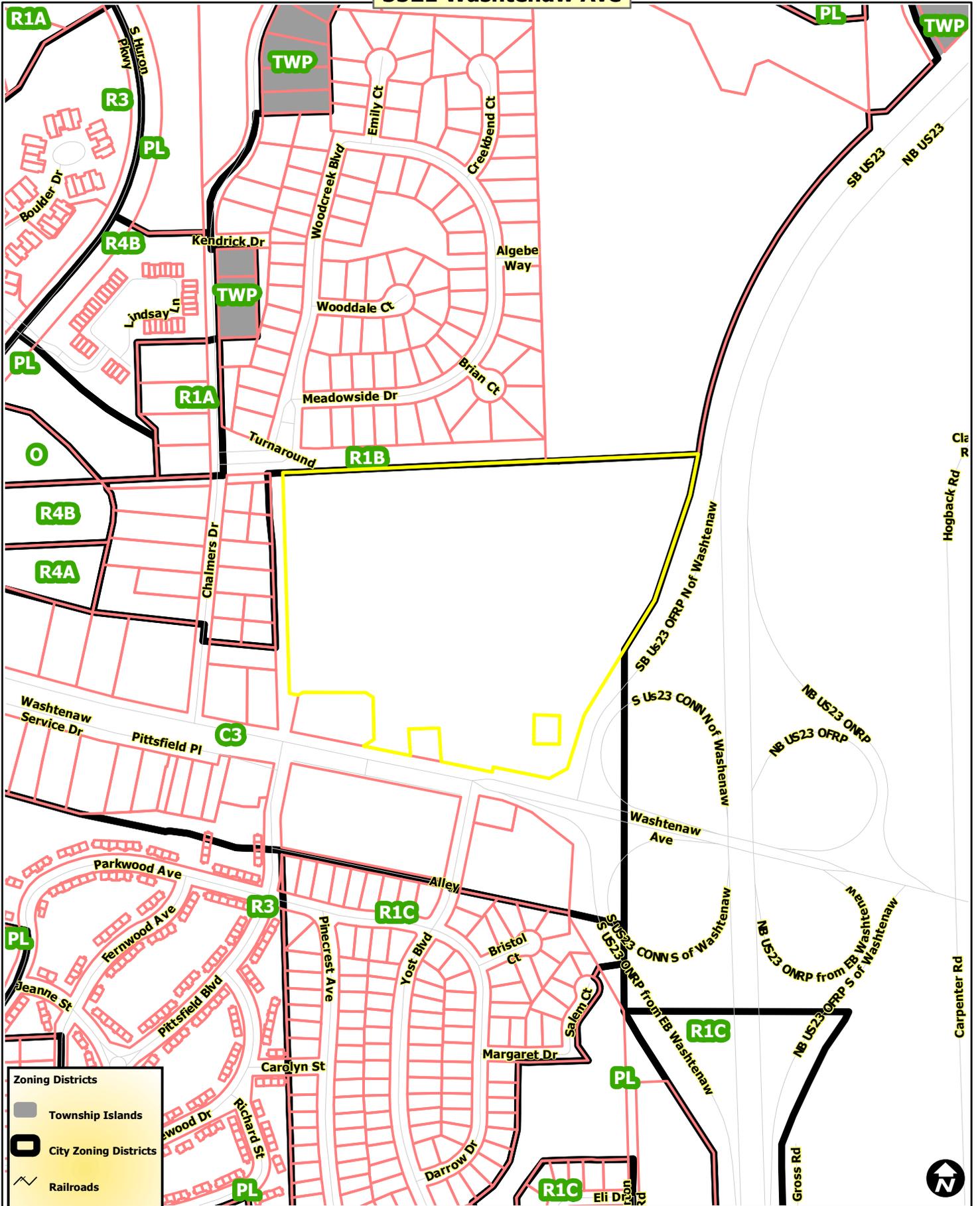
Rebranding will extend the life expectancy of this iconic sign, while retaining it's function as a destination marker for Ann Arbor residents and visitors.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with a large initial "J" and "B".

Jon Barrett
Zoning Coordinator

3521 Washtenaw Ave



Zoning Districts

- Township Islands
- City Zoning Districts
- Railroads
- Huron River
- Tax Parcels



Map date: 9/5/2019
 Any aerial imagery is circa 2018 unless otherwise noted
 Terms of use: www.a2gov.org/terms



3521 Washtenaw Ave



- Railroads
- Huron River
- Tax Parcels



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3521 Washtenaw Ave



- Railroads
- Huron River
- Tax Parcels



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ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: planning@a2gov.org

PROPERTY INFORMATION

ADDRESS OF PROPERTY 3600 Washtenaw Ave.		ZIP CODE 48104	
ZONING CLASSIFICATION C-3	NAME OF PROPERTY OWNER* <i>If different than applicant, a letter of authorization from the property owner must be provided</i> Brixmore Arborland LLC		
PARCEL NUMBER 09-12-02-105-010	OWNER EMAIL ADDRESS		

APPLICANT INFORMATION

NAME Johnson Sign Co.			
ADDRESS 2240 Lansing Ave.	CITY Jackson	STATE MI	ZIP CODE 49202
EMAIL jay@johnsonsign.com	PHONE 517-784-3720		
APPLICANT'S RELATIONSHIP TO PROPERTY Sign contractor			

REQUEST INFORMATION

<input checked="" type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE Complete Section 2 of this application
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REQUIRED MATERIALS

One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.

Required Attachments:

- Boundary Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.

OFFICE USE ONLY

Fee Paid: ZBA: 19-027

CITY OF ANN ARBOR
RECEIVED

AUG 28 2019

PLANNING & DEVELOPMENT SERVICES

8/28: SUBMITTED (JB)

ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.

Property Owner Signature: Brian Whisenand

Date: August 28, 2019

Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26)

Section 5.24.4(2), requesting 75' Height, allowed 25'. Section 5.24.13(A), requesting 61.8 sq ft., allowed 15.

REQUIRED DIMENSION: (Example: 40' front setback)
Feet: Inches:

PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback)
Feet: Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Update existing sign as follows: (1) Cabinet "A"-remove skeleton neon, transformer and wiring. Patch holes, clean and ~~repaint cabinet, install new LED tubes.~~ (2) Arborland cabinet-Remove existing fluorescent lighting, ballasts and wiring. ~~Install LED lighting. Clean and repaint cabinet.~~ (3) Remove existing time/temp bulb array and replace with new LED screen of the same size as existing to remain in proportion to the sign structure and be visible to approaching traffic (4) Wrap I-beams with dark bronze aluminum. The sign location will not change. +

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. A variance may be granted by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when all of the following statements are found to be true. Please provide a complete response to each of the statements below.

The alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city.

The Arborland sign is an icon in the city, and the shopping center has a long history as a destination for shoppers. The current sign is well built, but uses older, inefficient components. By replacing these components with modern LEDs the sign is a "greener" solution, with a smaller carbon footprint, as well as reduced maintenance needs.

The alleged hardships are practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

Technology has come a long way since this sign was first built. We feel this is an opportunity to make a positive environmental statement, showing that we can retain the history and character of the area, while making a positive impact on energy usage and the overall carbon footprint of the area.

Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

Granting the variance would have no negative impact on neighboring properties. The general public will be able to continue to use this iconic sign as a landmark, and will allow visitors to the area to more easily locate the property. The community as a whole will benefit from the lower energy usage and reduced carbon footprint.

The conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.

Brixmore seeks to maintain the historic character and appearance of this iconic sign, while upgrading to modern, efficient interior components for decreased energy consumption and lower maintenance needs.

A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

The sign will retain the classical, familiar look so as to remain a landmark in the area. The updating will result in much less energy consumed, while retaining its function a destination marker for city residents and visitors. We feel that this approach will serve the public well and extend the life expectancy of this iconic sign.

Section 2 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

REQUEST TO ALTER A NONCONFORMING STRUCTURE

For the purposes of Article VI: Nonconformities Section 5.32.2 Nonconforming Structure, **alteration** is defined as any change in a Building that results in additional Floor Area being fit for occupancy, a greater number of dwelling or rooming units or an increase in the exterior dimensions of the Building.

A nonconforming structure may be maintained or restored, but permission to alter a nonconforming structure will only be approved by the Zoning Board of Appeals upon finding that it complies as nearly as practicable with the requirements of this Chapter and that it will not have a detrimental effect on neighboring property.

In the space below, describe the current use of the property, the proposed alteration, and the impact it would have on neighboring property.

Property is a multi-tenant shopping center. We are seeking a variance to:

(a) cabinet A- remove all skeleton neon, transformers and wiring. Patch holes, clean and repaint. Install new LED tubes on existing face.

(b) "Arborland" cabinet- Remove all existing flourescent lighting, wiring, ballasts and faces. Install new internal LED lighting, power supplies and faces. Clean cabinet and repaint dark bronze.

(c) Light bulb Time & Temperature sign- Remove existing light bulb bank and wiring. Install new LED screen of the same size to display time, temperature and tenants. Existing structure will be cleaned and repainted.

(d) 2 I-beam pole structures - wrap I-beams with new dark bronze aluminum.

Our more desire is to maintain the original character and appearance of the sign, but upgrade the sign with new LEDs for maintenance and energy savings, along with new paint and wraps.

There will be no impact on neighboring homes or businesses.

Please complete the table below as it relates to your request

Requirement	Existing Condition	Code Requirement
Lot Area		
Lot Width		
Floor Area Ratio		
Setbacks		
Parking		
Landscaping		
Other	Replace existing lighting with LED lighting. We are not changing the structure, shape, size, type, design or mechanical equipment.	

ARBORLAND PYLON SIGN RENOVATION



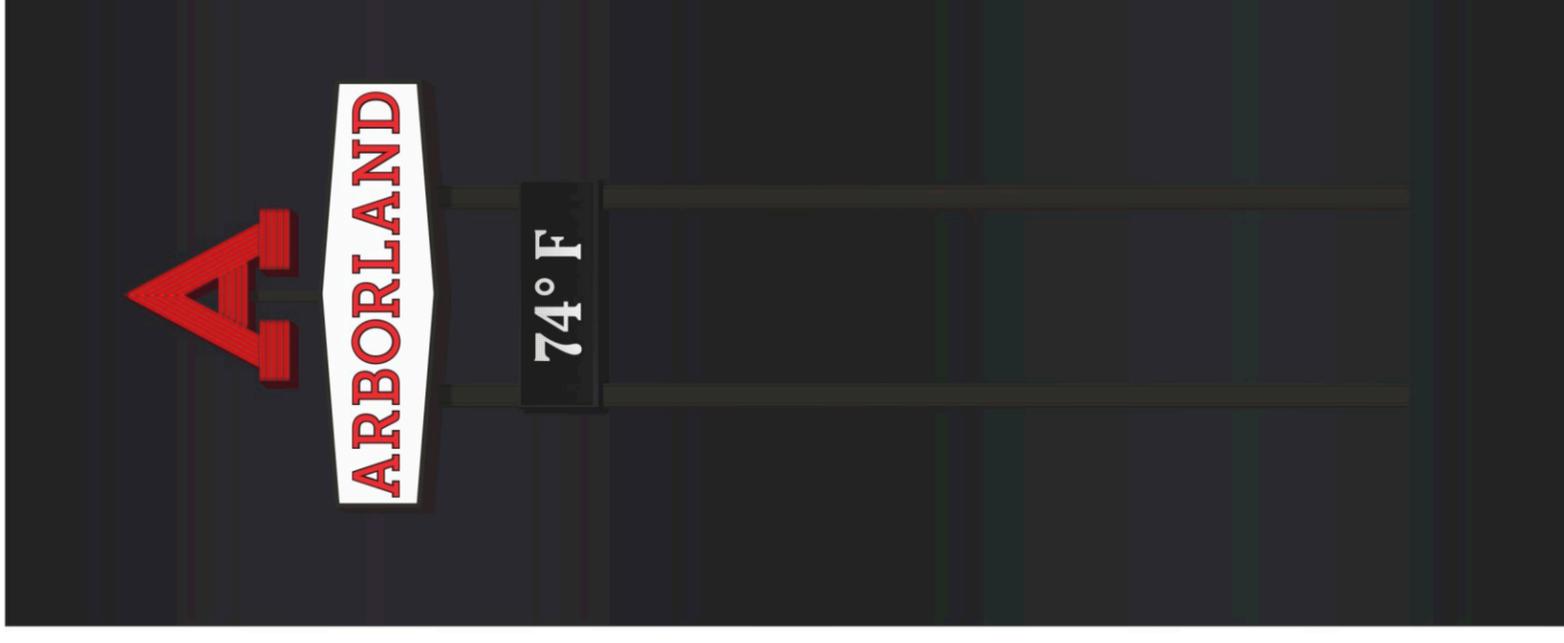
EXISTING SIGN CONDITION

SCALE 3/32" = 1'

PROPOSED SIGN RENOVATION

SCALE 3/32" = 1'

NIGHT SIMULATION



2240 Lansing Ave, Jackson, MI 49202
 1800 S. Cedar St., Lansing, MI 48910
 663 S. Mansfield, Ypsilanti, MI 48198
 517 784 3720 | www.johnsonsign.com

JOB NAME: ARBORLAND PYLON RENOVATION
 LOCATION: 3600 Washtenaw Ave, Ann Arbor, MI 48104
 ACCOUNT REP: JJ - WJ
 DESIGNER: SW
 REVISION:

NOTES:

FILE NAME: ARBLND-081519-2

This design and all material appearing hereon constitute the original unpublished work of Johnson Sign Co. may not be duplicated, used or disclosed without written consent.

JOHNSON SIGN CO DOES NOT PROVIDE PRIMARY ELECTRIC TO SIGN LOCATION RESPONSIBILITY OF OTHERS

THIS SIGN IS INTENDED TO BE MANUFACTURED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING & BONDING OF THE SIGN. SIGN WILL BEAR UL LABEL(S).



CUSTOMER APPROVAL: _____ DATE: _____





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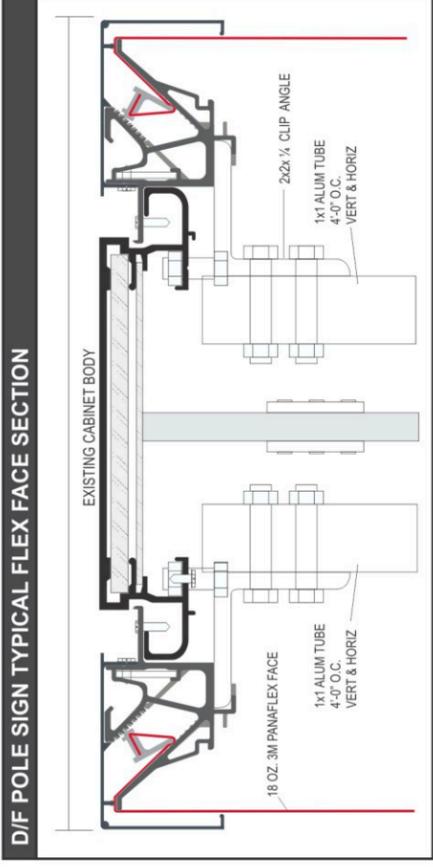
This design and all material appearing hereon constitute the original unpublished work of Johnson Sign Co. may not be duplicated, used or disclosed without written consent.

RENOVATE / RETRO FIT EXISTING DOUBLE SIDED "A" SIGN SECTION

- Existing neon & electrical components to be removed & recycled.
- Holes to be covered and complete sign cabinet repainted red.
- (50) new LED Bars to be mounted to face with power supplies mounted inside cabinet.
- Principals Street Wrap. Red LED Border tubing with formed plastic at 1.25" wide and 2.25" deep.

RENOVATE / RETRO FIT EXISTING DOUBLE SIDED CABINET SIGN

- Existing Sign Cabinet to have faces with retainers and all lighting components removed & recycled.
- Cabinet to be cleaned prepped, sanded, primed and repainted.
- New LED lighting with power supplies will be installed inside the cabinet with all new electrical wiring.
- New flexible faces with new retainers and frame braces will be installed over existing cabinet.

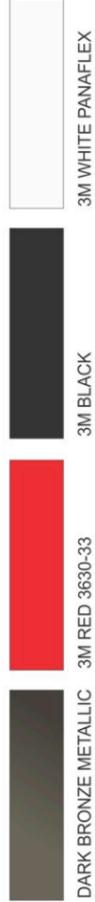
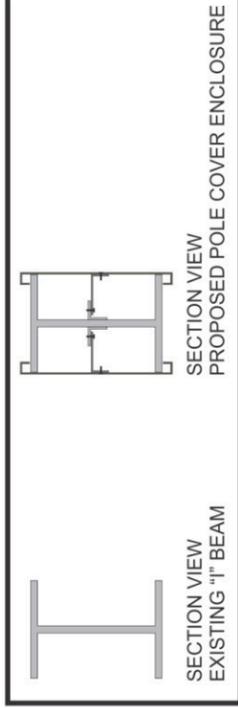


RETRO FIT TIME / TEMP ELECTRONIC MESSAGE CENTER

- Retrofit existing light bulb T&T with LED screen capable of displaying time, temperature and tenants
- 4'-8" x 13'-3" Daktronics Display

NEW ALUMINUM POLE COVERS

- New .090" formed painted aluminum in 10' sections to be mounted on side of existing "1" Beams
- Portions of the Face of the "1" Beams will be visible as a reveal and be re-painted.



THIS SIGN IS INTENDED TO BE MANUFACTURED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING & BONDING OF THE SIGN. SIGN WILL BEAR UL LABEL(S).

JOHNSON SIGN CO DOES NOT PROVIDE PRIMARY ELECTRIC TO SIGN LOCATION RESPONSIBILITY OF OTHERS

CUSTOMER APPROVAL: _____ DATE: _____



INTERNATIONAL SIGN ASSOCIATION



LEGAL DESCRIPTION

Land situated in the City of Ann Arbor, County of Washtenaw, State of Michigan, described as follows:

Parcel 1:

A parcel of land to be described as: Commencing at the North 1/4 corner of Section 2, Town 3 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan; thence South 89 degrees 38 minutes 00 seconds East, 50.00 feet to the Point of Beginning; thence continuing South 89 degrees 38 minutes 00 seconds East, 1540.50 feet along the right of way line of said U.S. 23 in the following seven (7) courses: Southwesterly 165.51 feet along the arc of a non-tangential curve to the left, radius 2106.85 feet, central angle 04 degrees 04 minutes 04 seconds, chord South 04 degrees 45 minutes 30 seconds West, 165.47 feet; thence South 23 degrees 47 minutes 30 seconds West, 0.29 degrees 00 seconds West, 16.78 feet; thence South 37 degrees 35 minutes 12 seconds West, 239.44 feet; thence South 16 degrees 33 minutes 30 seconds West, 221.25 feet; thence South 62 degrees 15 minutes 30 seconds West, 86.28 feet; thence along the North right of way line of Washtenaw Avenue in the following four (4) courses: central angle 01 degree 05 minutes 54 seconds, chord North 74 degrees 22 minutes 57 seconds West, 220.83 feet; thence South 12 degrees 38 minutes 44 seconds West, 20.04 feet; Northwestly 165.06 feet along the arc of a non-tangential curve to the left, radius 11,499.13 feet, central angle 00 degrees 49 minutes 21 seconds, chord West, 44.30 feet; thence North 01 degrees 07 minutes 00 seconds East, 136.00 feet; thence North 88 degrees 53 minutes 00 seconds West, 120.00 feet; thence South 01 degrees 07 minutes 00 seconds West, 108.00 feet; thence North 88 degrees 53 minutes 00 seconds West, 187.08 feet along the arc of a non-tangential curve to the left, radius 377.50 feet, central angle 76 degrees 06 minutes 27 seconds, chord North 39 degrees 16 minutes 16 seconds East, 46.23 feet; thence South 88 degrees 53 minutes 00 seconds East, 0.63 feet; thence North 01 degree 07 minutes 00 seconds East, 166.63 feet; thence North 88 degrees 53 minutes 00 seconds West, 238.02 feet; thence South 33 degrees 33 minutes 33 seconds, chord North 44 degrees 24 minutes 00 seconds West, 31.39 feet; thence North 89 degrees 55 minutes 00 seconds West, 238.02 feet; thence Southwestly 19.69 feet along the arc of a circular curve to the left, radius 37.30 feet, central angle 30 degrees 14 minutes 31 seconds, chord South 59 degrees 00 minutes 00 seconds West, 23.26 feet; thence North 00 degrees 59 minutes 00 seconds East, 875.73 feet to the point of beginning.

Parcel 2:

Easement rights reserved in Quit Claim Deed at Recording No. Liber 3860, Page 654.

Being subject to:

- 10.) Right(s) of Way and/or Easement(s) and rights incidental thereto, as granted in a document: Granted to: Detroit Edison Company, Recording No. Liber 1 of Grants, Page 51. (PLOTTED)
- 11.) Right(s) of Way and/or Easement(s) and rights incidental thereto, as granted in a document: Granted to: Detroit Edison Company, Recording No. Liber 460, Page 134. (PLOTTED)
- 12.) Right(s) of Way and/or Easement(s) and rights incidental thereto as reserved in a document: Entitled: Warranty Deed, Recording No. Liber 902, Page 483. (PLOTTED)
- 13.) Right(s) of Way and/or Easement(s) and rights incidental thereto as reserved in a document: Entitled: Warranty Deed, Recording No. Liber 952, Page 569. (PLOTTED)
- 14.) Right(s) of Way and/or Easement(s) and rights incidental thereto as set forth in a document: in favor of: Michigan State Highway Commission, Recording No. Liber 366, Page 79. (PLOTTED)
- 16.) Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, ancestry, or national origin, shall be deemed to be null and void, unenforceable, and of no legal effect, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in a document. Entitled: Deed of Michigan State Highway Commission, Recording No. Liber 1495, Page 345. (PLOTTED)
- 17.) Right(s) of Way and/or Easement(s) and rights incidental thereto, as granted in a document: Granted to: Detroit Edison Company, Recording No. Liber 1585, Page 652. (PLOTTED)
- 18.) Right(s) of Way and/or Easement(s) and rights incidental thereto as set forth in a document: in favor of: City of Ann Arbor, Recording No. Liber 1538, Page 273. (PLOTTED)
- 21.) Declaration of Easements and Restrictions and rights incidental thereto as set forth below:
Recording Date: August 27, 1994, Recording No. Liber 1946, Page 543. (PLOTTED)
An agreement to modify the terms and provisions of said declaration as therein provided in a document: Entitled: Amendment to Declaration of Easements and Restrictions, Recording Date: June 18, 1997, Recording No. Liber 3445, Page 562. (PLOTTED)
- 22.) Right(s) of Way and/or Easement(s) and rights incidental thereto, as granted in a document:
Granted to: Detroit Edison Company, Recording No: Liber 1963, Page 260. (PLOTTED)
- 23.) Right(s) of Way and/or Easement(s) and rights incidental thereto, as granted in a document:
Granted to: Detroit Edison Company, Recording No: Liber 1989, Page 877. (PLOTTED)

The underground utilities shown have been located from field survey information and existing records. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area shown. The surveyor does not warrant the accuracy of the location of the underground utilities shown or in the exact location indicated. Although the surveyor does certify that they are located as accurately as possible from the information available.

36.) Terms, Covenants, and Conditions of Quit Claim as set forth below:

Recording No: Liber 3860, Page 654. (PLOTTED)

As affected by the Arborland Site Development Agreement set forth in Liber 3680, Page 978

37.) Right(s) of Way and/or Easement(s) and rights incidental thereto as set forth in a document:

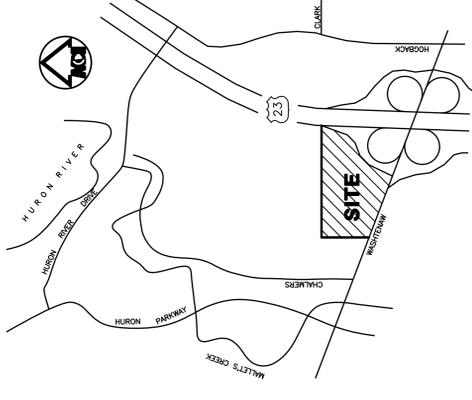
In favor of: City of Ann Arbor, Recording No: Liber 4442, Page 718, Liber 4456, Page 230 and re-recorded in Liber 4466, Page 981 (PLOTTED)

38.) Right(s) of Way and/or Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Detroit Edison Company, Recording No: Liber 4795, Page 259. (PLOTTED)

40.) Right(s) of Way and/or Easement(s) and rights incidental thereto as set forth in a document:

In favor of: Michigan Department of Transportation, Recording No: Liber 4902, Page 11. (PLOTTED)



VICINITY SKETCH

NO SCALE

NOTES

- 1.) This survey was prepared using Fidelity National Title Insurance Company Commitment No. A0711701, with an effective date of January 4, 2017
- 2.) The parcel herein described is in Zone X (unshaded); the area determined to be outside the 500-year flood hazard, per Federal Emergency management Agency flood insurance rate map # 26161C0284E, Effective date; April 3, 2012 and # 26161C0288E, Effective date; April 3, 2012.
- 3.) The parcel herein described has 1243 regular, striped parking spaces, 393 Small car parking spaces and 40 handicap barrier free spaces. For a total of 1676 parking spaces.
- 4.) All interior roads are private
- 5.) There is no evidence of current earth moving work, building construction or building additions.
- 6.) There is no observed evidence indicating any cemeteries are located on the parcel herein described.
- 7.) The current site address is 3521 Washtenaw Avenue, Ann Arbor, MI. 48104

ZONING

The following requirements are applicable to the property described herein, according to "Zoning and Site Requirements Summary" dated February 2, 2017 and prepared by The Planning & Zoning Resource Company.

Existing Zoning Designation: C-3 Fringe Commercial

Setback requirements: Front -

Minimum: 10 feet

Maximum: 25 feet (for new freestanding buildings constructed or site planned after January 6, 2011, otherwise none).

Side/Rear -

None, except 30 feet where abutting residentially zoned land; plus 1 foot of additional setback for each foot of building height above 30 feet when abutting residentially zoned land.

Height and floor space area restrictions:

Maximum Building Height or Stories - 4 Stories/55 feet

Area Requirements - Minimum Lot Area: 6000 square feet

Minimum Lot Width: 60 feet

Building Density Formula - Maximum Usable Floor Area:

Minimum Spaces - 1,416 Total

Maximum Spaces - 1,614 Total

ENCROACHMENTS

1. - Overhead lines crossing easterly property line 20 feet.
2. - Overhead lines crossing southerly property line 3.7 feet.
3. - Overhead lines crossing southerly property line 13 feet.
4. - Pole line permit Liber 450 Page 134 crosses through the Toys R Us building.
5. - Pavement corner of sidewalk from Marathon parcel encroaches over west property line 10 feet.
6. - 10' wide building encroachment identified in Liber 4442, Page 718, Liber 4456, Page 230 & Liber 4466 Page 981.
7. - Rights of others over the entire parcel described in Liber 952, Page 569.

ALTA/NSPS LAND TITLE SURVEY OF A PARCEL OF LAND LOCATED IN THE NE. 1/4 OF SECTION 2, T3S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN.

ARBORLAND MALL

2

JOB NO. 17007

REV. DATE	REV. DATE	REV. DATE
SHEET 2 OF 2	1/16/2017	1/16/2017
REVISIONS	REVISIONS	REVISIONS
ADDED EXCEPTION 33	2/2/17	2/2/17
Revised the area commitment	2/2/17	2/2/17
Revised site address notes	2/2/17	2/2/17
Revised certification entries	2/2/17	2/2/17
17007_ALTA.DWG	1/16/2017	1/16/2017

CLIENT

Brimor Property Group
4500 Leighton Ave, Floor 15
New York, NY, 10017



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