

**CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
ZONING BOARD OF APPEALS**

DATE: MAY 4, 2004 **TIME: 7:30 P.M.**
PHONE: 810-659-0800 **FAX 810-659-4212**
WEB PAGE: <http://www.gfn.org/flushing/index.html>

MEMBERS:

Edward Henneke, Chair	James Sarka
Richard Vaughn, Vice Chair	Eric Swanson
Ann Fotenakes, Board of Trustees Representative	

Jerald W. Fitch, Building Inspector
Julia A. Morford, Recording Secretary

I. VICE CHAIR RICHARD VAUGHN opened the meeting at 7:35 p.m. with Roll Call.

ROLL CALL: Vaughn, Swanson, Sarka, Fotenakes, Fitch and Morford

MEMBERS ABSENT: Henneke

OTHERS PRESENT: Amjad Ishak and Jeff Schultz

II. APPROVAL OF AGENDA: FOTENAKES MOVED, seconded by Swanson to approve the agenda as presented. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF JANUARY 6, 2004: SWANSON MOVED, seconded by Fotenakes to approve the minutes of January 6, 2004 with one correction. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS:

1. **Amjad Ishak, 8130 Carpenter Road, Flushing, Michigan, Parcel No. 08-23-400-033
Variance of Side Yard Setback, Single Family Residence**

VICE CHAIR VAUGHN wanted to know what had transpired between **ADJAD ISHAK (ISHAK)** and **JEFFREY and ANGELA SCHULTZ (SCHULTZS)** since the last regular scheduled Zoning Board of Appeals meeting on January 6, 2004.

JEFFREY SCHULTZ, 8118 Carpenter Road, Flushing, Michigan stated that he and **AMJAD ISHAK** had met one (1) time since the January 6, 2004 Zoning Board of Appeals Meeting. **SCHULTZ** stated he would like a new neighbor, **AMJAD ISHAK**, and would not be willing to give up property; **SCHULTZ** would be willing to sell property to **ISHAK** to make everything right. **SCHULTZ AND ISHAK** have spent time re-measuring the property.

SCHULTZ stated he felt rushed at the last meeting when he and **ISHAK** were asked to step into the Board Room Hall to try and negotiate on the proposed property. **ISHAK** has a lot of money invested in his proposed home; **SCHULTZ** has a lot of money invested in his home. **SCHULTZ** stated he knew how **ISHAK** felt about the price that he (Schultzs) were asking for

the property in question. **SCHULTZ** stated he (Schultz) and his legal counsel felt the asking price of the proposed property was fair. After having set down and played with numbers after actually measuring his (Ishak) home, and what he would need to make everything right, **SCHULTZ** is still waiting to sell the property in question for \$2,500.00.

\$2,500 ASKING PRICE WOULD CONSIST OF:

- 7 ½ foot strip approximately 93 feet long which would cover Ishak's home
- there would be a 10 foot strip along the Eastern property line
- **ISHAK's** home would be in code
- **SCHULTZS'** would have a new neighbor
- **SCHULTZS'** children would have a chance to play with new children
- **SCHULTZ** has also talked with **ISHAK** regarding a drain system
 1. a contractor has been hired to level out and taper the yards correctly
 2. **FITCH** has given options about dealing with the water - very interested
- **ISHAK** would be able to get out of his garage if **SCHULTZ** should sell his house

AMJAD ISHAK, 8130 Carpenter Road, Flushing, Michigan stated the price had been dropped from \$3,000 to \$2,500. **SCHULTZ** stated that he has surveyed the proposed property again to make sure that everything was right; **ISHAK'S** house is 92 feet 2 inches which would allow space.

SCHULTZ stated that he just wanted to solve the matter. **ISHAK** would have total rights to the proposed property.

FOTENAKES stated a new legal would have to be written up for both of the properties; the matter would not be considered a property division. The Assessor would be looking at the legal or what would be exchanged. **FOTENAKES** stated that probably the surveying company (Rowe did the surveying for the home) would give a legal according to what was being divided.

FOTENAKES recommended that both **SCHULTZ** and **ISHAK**, if an agreement should be reached, should be in attendance when another survey was completed so that both (Schultz and Ishak) would know the actual measurement.

FOTENAKES inquired from **FITCH** as to whether the dimensions would solve the problem. **FITCH** would not have any issues with the matter.

SWANSON stated paying the \$2,500 would be cheaper than moving **ISHAKS'** home.

ISHAK agreed to the \$2,500

VAUGHN stated the Zoning Board of Appeals had nothing else to do with the matter; the remaining items would need to be settled between **ISHAK** and **SCHULTZ**.

TO FINALIZE THE MATTER

- Get legal description
- Get in contact with the Assessor to start the process
- A deed would be needed to convey the proposed property to **ISHAK** and his wife
- **SCHULTZ** would call his attorney to get the matter completed

- The transfer won't show up on tax maps until next year
- Both properties have been homesteaded
- It was recommended that the matter be brought to the attention of the Zoning Board of Appeals when it was completed

SWANSON MOVED, seconded by Fotenakes that the matter be completed by the next Zoning Board of Appeals meeting scheduled for September 7, 2004. **MOTION CARRIED.**

FITCH will bring the paper work to the Zoning Board of Appeals Meeting to show the closure; **ISHAK** and **SCHULTZ** would not have to appear.

V. NEW BUSINESS:
None

VI. NEXT REGULAR SCHEDULED MEETING will be held on **TUESDAY, SEPTEMBER 7, 2004.**

VII. ADJOURNMENT: FOTENAKES MOVED, seconded by Swanson to adjourn the Zoning Board of Appeals meeting at 7:55 p.m.

EDWARD HENNEKE, Chair

JULIA A. MORFORD,
Recording Secretary

RICHARD VAUGHN, Vice Chair

Date Approved

050404 appeals