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August 24, 2026

To Sturgeon Bay 1-9 lot owners and PA Miller 1-22 lot owners :

After careful review of Burt Township's Zoning Ordinance; sections 6.10.2.5 and 6.10.2.6 (attached) and based on the opinion of legal counsel for Burt Township, I have decided as follows:

- A. That the Burt Township Zoning Board of Appeals (ZBA) is not in a position, nor does it possess the legal authority, to determine the riparian rights of the various owners of real property within PA Miller Subdivision and Sturgeon Bay Subdivision.
- B. That the extent of the claimed riparian rights have to be determined by a Court of competent jurisdiction.
- C. That the current shared access license granted by the ZBA of Burt Township allows for one (1) mooring ball and four (4) 10 foot dock sections as granted when the original PA Miller application was submitted in 2016, approved April 2017.
- D. That no changes to the existing license should be considered until the legal riparian rights of the competing parties are reviewed and determined by a Court of competent jurisdiction, after which time the Burt Township ZBA will have the ability to

review such ruling pertaining to such riparian rights before considering changes to the current shared access license.

Because of these considerations, any request for a change or amendment to the existing shared access license will be removed from the agendas of future ZBA meetings and no discussions about the shared access license will be conducted by the ZBA at future ZBA meetings until the riparian rights of the competing parties are adjudicated by a Court of competent jurisdiction. This will not preclude appropriate public comment during the "public comment" section of future ZBA meetings.

This notification letter is being sent to all property owners within PA Miller Subdivision and Sturgeon Bay Subdivision.

A handwritten signature in blue ink, appearing to read "Kim", with a long, sweeping horizontal stroke extending to the right.

Kim Kihnke

ZBA Chair, Burt Township

Ordinance 6.10.2

5. The decision to issue a license shall not be a determination of any property right that one person may have over another in a case of the dispute between parties as to a priority in claims or objections to the issuance of a license. That matter shall be a property right for a determination by the appropriate Court of jurisdiction, and neither the Township nor the Zoning Board of Appeals shall make any determination as to priority rights between competing landowners.

6. The Zoning Board of Appeals in making a decision on the issuance or non-issuance of a license shall be governed by the general principles of appropriate zoning, the same as applicable to appeals to the Zoning Board of Appeals. The decision of the Zoning Board of Appeals shall be final and appealable to the Circuit Court.