Board of Adjustment
June 25, 2026
VAR-26-015

POPECOUNTY MINNESOTA

S:\3. BOA-PAC\2026\6. 25 June 2026\5. BOA - 4 Items\4. 19-0242-303 B.Payne VAR-26-015\3. Staff Report\BOA V.B.4. B.Payne- VAR-26-015 - Staff Report.docx

STAFF REPORT

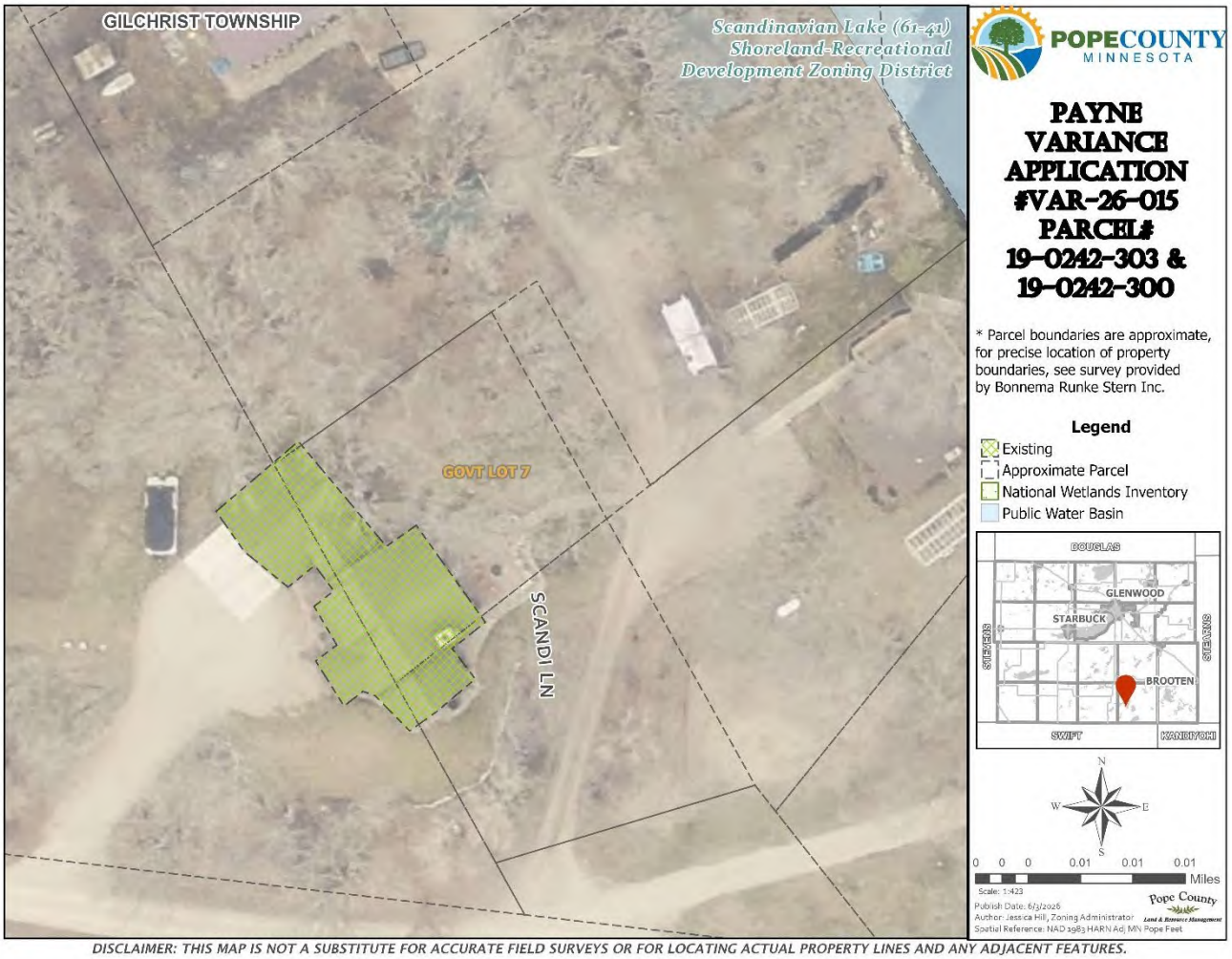
Applicant Information

Applicant: Byron & Jill Payne

Application: Variance (VAR-26-015)

Zoning: Shoreland-Recreational Development (S-RD)

Location: Lot 1 and Lot 4, Block 1, Stegeman Addition, Section 20, Township 123 (Gilchrist), Range 37, Pope County, Minnesota



DISCLAIMER: THIS MAP IS NOT A SUBSTITUTE FOR ACCURATE FIELD SURVEYS OR FOR LOCATING ACTUAL PROPERTY LINES AND ANY ADJACENT FEATURES.

Background

The applicant proposes to modify and reconstruct an attached garage that currently encroaches onto an adjacent property, located in the Shoreland-Recreational Development zoning district. The parcel is a non-riparian parcel on the north side of Scandi Lane. The house and attached garage were permitted in 2012 (see Supplemental Information Attachment 5, BLD-12-013). There are no variances on file relating to the location of the permitted structure. In an effort to rectify the situation the applicants are proposing to remove a portion of the existing garage which would increase the structure setback to five (5) feet from the side yard property line. Therefore, the applicant requests a variance from the required ten (10) foot side yard setback to allow the reconstructed garage to be located five (5) feet from the northwestern property line.

Applicable Statutes

Local Ordinance

- Pope County Land Use Controls Ordinance
  - Section 4.3 Shoreland-Recreational Development District (S-RD)
    - 4.3.4 Setbacks:

      D. Side Yard Setback: 10 feet
  - Section 4.6 Shoreland District Regulations
    - 4.6.5 Placement, Height, and Design of Structures

      A. **Placement of Structures and Subsurface Sewage Treatment Systems on Lots**

      When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following provisions:

3. **Additional structure setbacks:** Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from:	Setback (feet)
Top of Bluff	30
Side Yard	10
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, other legal roads or streets not classified	40

- Section 11.6 Variance from Standards

State Statute/Rule

- MN Statute Chapter 394 Planning, Development, Zoning *(enabling legislation)*
  - 394.27 Subd 7 *Variances; practical difficulties*
- MN Administrative Rules Chapter 6120, *Shoreland and Floodplain Management*
  - 6120.3300 Zoning Provisions
  - 6120.3900 Subp. 3 Variances: *Variances may only be granted in accordance with Minnesota Statutes, chapters 394 or 462, as applicable. They may not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether the properties are used seasonally or year-round, whether variances are being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.*

Minnesota Supreme Court

- ***Stadsvold**, 754 N.W.2d 323 (Minn. 2008).*

Staff Comments

Staff offers the following facts and comments for consideration:

The existing attached garage encroaches onto neighboring property 19-0422-600. Though properly permitted, the county did not authorize a trespass or an encroachment into the minimum setback requirement.

A survey completed by Bonnema Runke Stern Inc. on May 20, 2026 indicates that a portion of the attached garage extends across the common property boundary onto parcel 19-0422-600.

Any property ownership or boundary dispute, including claims of adverse possession, is outside the scope of the Board's variance authority and should not be considered as a basis for granting or denying the variance.

Because this is an after the fact variance, there are six additional criteria that are to be considered by the Board of Adjustment including:

1. The applicant's good faith: Did the owner honestly believe they were in compliance, or did they act recklessly or deceptively?
2. The applicant's attempt to comply: Did the owner seek appropriate permits, consult authorities, or try to adhere to local ordinances before/during construction?
3. The applicant's investment in construction: Has the owner spent substantial capital or resources relying on their understanding of the property rules?
4. Whether construction was completed: Is the structure fully built and operational prior to learning of the violation?
5. Whether similar structures exist in the area: Would granting the variance disrupt the neighborhood, or does the built structure look like nearby properties?
6. The balance of public v. private burden: Does the benefit to the public in denying the variance outweigh the heavy financial and structural burden placed on the applicant to comply?

Comprehensive Plan Consistency

Based on Minnesota Statute 394.27 Subd. 7: A variance may be granted if it is in harmony with the general purposes and intent of the official control and when the variance is consistent with the comprehensive plan. The Comprehensive Plan emphasizes protection of shoreland resources while allowing development consistent with applicable land-use controls.

Staff Analysis

Reducing setbacks from the side yard property line may affect neighboring properties, and established development patterns; however, the Board must evaluate whether the requested variance remains in harmony with the purposes and intent of the ordinance based on the specific facts of the property.

Practical Difficulty Analysis

Based on Minnesota Statute 394.27 subd. 7: A variance may be granted if enforcement of the zoning ordinance as applied to a particular piece of property would cause the landowner "practical difficulties." All three statutory criteria must be met; failure to meet any one requires denial.

1. **Reasonableness**

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean the land cannot be put to any reasonable use whatsoever without the variance. For example, this variance application is for the demolition of a portion of an existing accessory structure which would result in not meeting a minimum specified setback standard. The question is whether locating the attached garage as proposed is reasonable and whether a compliant alternative location exists on the property.

Staff Analysis

The existing attached garage currently extends onto the neighboring property. The removal of a portion of the existing attached garage to allow for the side yard setback to be increased to five (5) feet increases the distance to the side yard property line, however, the Board may consider whether sufficient area exists on the parcel to relocate the garage in full compliance with the ten (10) foot side-yard setback requirement.

2. **Uniqueness**

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a structure to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as an irregular parcel shape or sloping topography or other natural features like wetlands or trees that prevent the structure from being located in compliance.

Staff Analysis

According to the applicant, the existing attached garage is encroaching onto the neighboring property (19-0422-600). The record does not currently identify any physical characteristics of the property, such as parcel configuration, topography, wetlands, or other natural constraints, that would prevent compliance with the ordinance. However, as an after the fact variance the Board should review the other criteria as established post Stadsvold decision. Particularly, was the decision to construct the structure in its current location made with willful intent to violate the minimum setback standards or was it an honest mistake?

3. **Essential Character**

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about this variance for the demolition of a portion of an existing accessory structure which would result in not meeting a minimum specified setback standard, how will the proposed structure and its location look when compared to others in the neighborhood, and if that fits in with the character of the area.

Staff Analysis

The proposed demolition and reconstruction may affect the adjacent property owner because the existing garage currently encroaches onto that property. The proposed location is not expected to materially alter the character of the locality.

Staff Recommendation

Having reviewed and considered the application, local ordinances, state statutes, pertinent case rulings and all comments received, staff finds that the variance request is warranted. However, the Board must determine whether the statutory criteria for the issuance of an after the fact variance have been sufficiently established based upon the evidence presented in the record and the testimony to be delivered.

Additional facts may be presented during the public hearing for the Board's consideration. If the Board determines the statutory criteria for approval have been met, staff recommends consideration of the following conditions:

1. The existing attached garage, including all overhangs, shall not be located closer than five (5) feet to the north side-yard property line and shall otherwise conform to the approved site plan.
2. Prior to commencement of demolition and re-construction, the applicant shall obtain all required permits and approvals from applicable local, county, state, and federal agencies.
3. County staff may enter the property at reasonable times and in a reasonable manner to verify compliance with this variance and applicable statutes, rules, and ordinances.

Staff Findings

The Staff proposes the following findings of fact for consideration by the Board of Adjustment:

1. **Variance request consistent with purposes and intent of the official controls and the comprehensive plan:**

   Findings: The Minnesota DNR Shoreland Rules Ch 6120 as well as the Pope County Land Use Controls Ordinance regulate the location of structures in shoreland designated areas. Side-yard setback requirements are intended to promote orderly development, protect neighboring properties, and preserve neighborhood character. The re-locating of the structure will create a more conforming situation.

2. **Use of property/structure is a reasonable use:**

   Findings: The property currently supports an attached garage. The applicant proposes to reconstruct and relocate the attached garage to eliminate the existing encroachment onto adjacent parcel 19-0422-600. Therefore, there is no change in use.

3. **Character of locality and detriment to neighboring properties:**

   Findings: The proposed relocation is not expected to materially alter the character of the locality.

4. **Plight of the landowner is due to circumstances unique to the property and not self-created:**

   Findings: The record does not identify unique physical characteristics of the property that prevent compliance with the ordinance. However, the Board has considered this application in light of the criteria established in the Stadsvold case and does accept that the structure was not placed in its location with willful disregard to local setback standards. The request to move the structure to at least five feet from the property line abates the trespass while minimizing the financial impact on the owner.

REPORT APPENDIX

- **Routing Sheet** *(Comments, concerns and conditions)*
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Variance Application (Byron & Jill Payne, 29 May 2026)*
  - **Attachment 2:** *Survey (Bonnema Runke Stern, 20 May 2026)*
  - **Attachment 3:** *Adverse Possession Letter (Byron & Jill Payne, 29 May 2026)*
  - **Attachment 4:** *Removal Plan (Byron & Jill Payne, 29 May 2026)*
  - **Attachment 5:** *Land Use Permit, BLD-12-013 (Pope County Land & Resource Management, 20 April 2012)*
  - **Attachment 6:** *Site Visit Photos (L&RM Staff, 15 June 2026)*

Routing Sheet

Comments, Concerns and Conditions

Agency

MN DNR	No comment received.

County Department

Attorney	No comment received.

Township

Gilchrist	*COMMENTS: The town board feels either an agreement w/ the neighbor or conform to the setback standards. The township is not in favor of a variance to be granted. Joseph White, Clerk/Treasurer, 06-09-2026*

Other Comments Received

No comment received.

Public Notice

POPE COUNTY LAND & RESOURCE MANAGEMENT
POPE COUNTY COURTHOUSE
130 E. MINNESOTA AVENUE
GLENWOOD, MINNESOTA 56334
(320) 634-7791

POPE COUNTY BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING FOR
VARIANCE REQUEST

Notice is hereby given that a Public Hearing will take place in conjunction with the Board of Adjustment meeting to be held at 6:00 pm or shortly thereafter on Thursday, June 25th, 2026 in the Pope County Courthouse, 3rd Floor Board Room, to consider the following variance request.

Description of Request: Variance hearing on the application by Byron & Jill Payne (VAR-26-015, Parcel#19-0242-303 & 19-0242-300), if granted would allow applicants relief from the side yard setback standard in a Shoreland-Recreational Development (S-RD) zoning district per section 4.3.4.D and 4.6.5.A.3 of the Pope County Land Use Controls Ordinance

Legal Description/Site Location: Lot 1 and Lot 4, Block 1, Stegeman Addition, Section 20, Township 123 (Gilchrist), Range 37, Pope County, Minnesota.

Public participation will include an opportunity to:

1) submit written concerns and comment prior to the scheduled meeting. All such communications will be shared with the Board of Adjustment prior to or during the meeting;
2) submit concerns and comments via Pope County's Public Comment web map, go to https://www.popecountymn.gov, at the top of the page hover over Government, then under Board of Adjustment/Planning Advisory Commission, select Submit a Public Comment or type in the following link to access the Public Comment web map: (https://popecounty.maps.arcgis.com/apps/webappviewer/index.html?id=22a203912a864a77b4cdabe672e35e3f)
3) opportunity to review the staff prepared report via Pope County website;
4) observe and/or participate by providing verbal comments in the Public Hearing portion of the Board of Adjustment meeting.

Interested parties and citizens may contact the Land and Resource Management office for further information as to how to participate in the meeting. ***Notices of Decision*** *will be posted* ***online*** *shortly after decision making at the following Pope County webpage:*

- *https://www.popecountymn.gov/land-resource-management/boa-pac-notices-of-decision/*

Thank you for your patience and consideration in this matter.

Dated: June 5, 2026
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Variance Application
(Byron & Jill Payne, 29 May 2026)

Updated

POPE COUNTY MINNESOTA

VARIANCE APPLICATION

L&RM FORM 18

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VARIANCE APPLICATION

VAR-26-015

A variance allows a modification or variation of the provisions of the Pope County Land Use Controls Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provision of the ordinance would cause the landowner "practical difficulty" (see Practical Difficulty Test on the following page).

Variances from official zoning controls are defined under Minnesota Statute 394.27 and require the landowner to prove the property could not otherwise be used or enjoyed in the proposed way by complying with the Pope County Land Use Controls Ordinance and there will be no negative impact on surrounding properties.

Prior to submission of this application, please discuss your variance request with the Land and Resource Management department.

RECEIVED MAY 29 2026 BY:

Applicant Information

Applicant Names	Byron and Jill Payne
[redacted]	

Property Description

Property Address	31665 Scandi Lane									City	Glenwood			State	MN	Zip	56334		
Township Name	Gilchrist									Section	20			Twp	123	Range	37		
Parcel No.	1	9	-	0	2	4	2	-	3	0	3	Associated Parcel No.	1	9	-	0	2	4	2	-	3	0	0

Project Narrative

What is the variance application for?	Existing structure does not meet minimum setback

Provide written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized:

We received a building permit from Pope County in April, 2012 and the home was built from August 2012 to August 2013. We thought, wrongly, that since a permit was issued that we met the setback requirements. So the home ended up being accidentally built encroaching on the neighbors lot 5, see attached Exhibit A. We are now trying to sell the property and know we have to solve the encroachment. We have been trying to work with the neighbors to do a land swap to solve the encroachment, see Exhibit A for proposed land swap. However, they are requesting $260,000 to complete the land swap, see Exhibit B. As a result, we are prepared to remove the structure that encroaches, but we are seeking a variance to minimize the amount of the structure that would have to be removed to meet the setback. We are requesting a 4' setback versus the required 10.

Pope County Land & Resource Management
130 East Minnesota Ave. | Glenwood, Minnesota 56334
Phone: (320) 634-7791 | Email: pub.lrm@popecountymn.gov
Website: https://www.popecountymn.gov/land-resource-management/

Practical Difficulty Test

A variance may be granted if enforcement of the zoning ordinance as applied to a particular piece of property would cause the landowner "practical difficulties." There is a three factor test for establishing practical difficulties. If the applicant does not satisfy all three factors of the test, then the variance should not be granted.

1. ***Reasonableness***

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

2. ***Uniqueness***

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner.

3. ***Essential Character***

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

Questions	Yes/No
Does your project satisfy all three factors of the Practical Difficulty Test?	Yes
Please state how your project satisfies all three factors in the space provided below:	

Reasonableness - We are currently using the property in a reasonable manner and trying to solve an accidental encroachment in a reasonable manner.

Uniqueness - The problem already exists and we are trying to solve it.

Essential Character - We do not believe it will alter the essential character of the property.

Pope County Land & Resource Management
130 East Minnesota Ave. | Glenwood, Minnesota 56334 |
Phone: (320) 634-7791 | Email: pub.lrm@popecountymn.gov
Website: https://www.popecountymn.gov/land-resource-management/

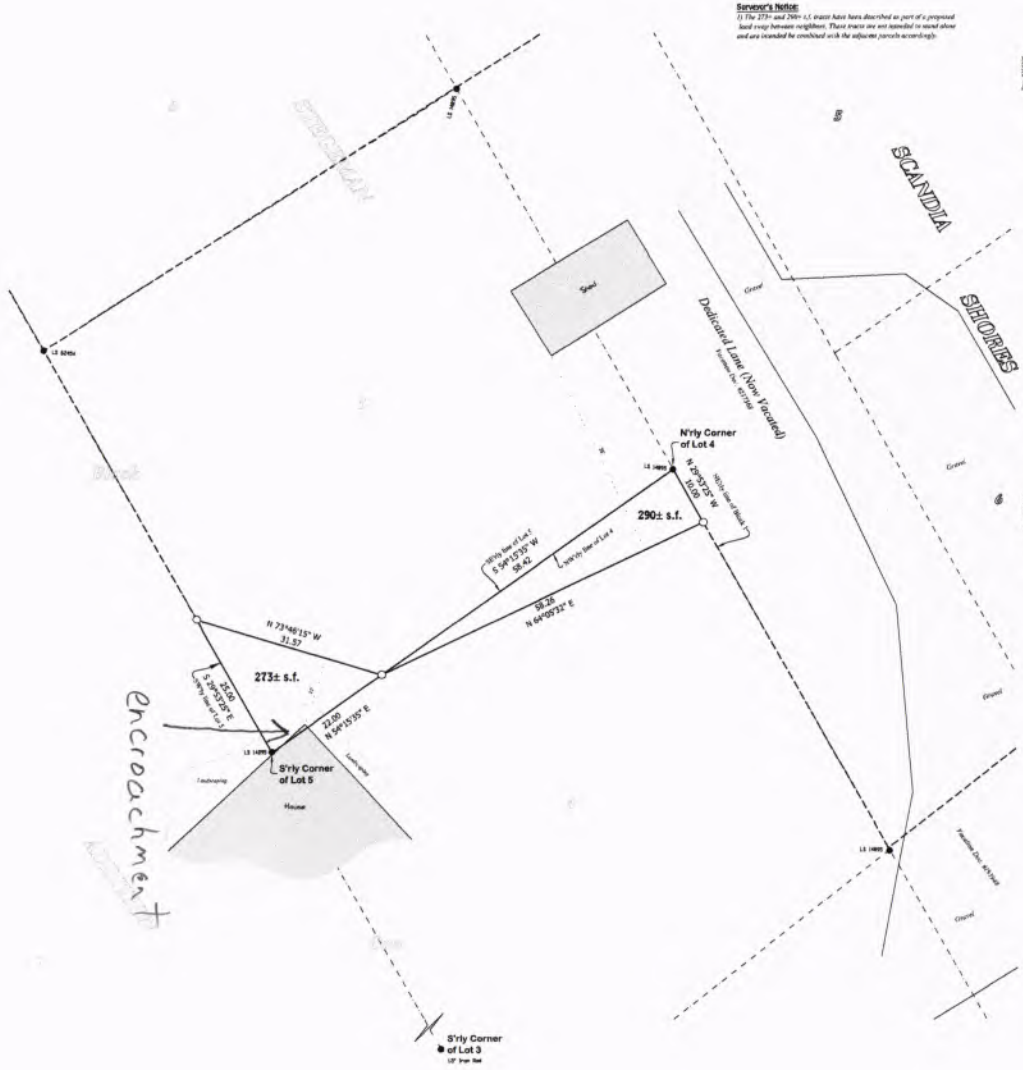
Supplemental Information Attachment 2:

Survey
(Bonnema Runke Stern, 20 May 2026)

RECEIVED
MAY 21 2026
BY:

This is a survey of part of:

Lot 4 & Lot 5, Block 1, STEGEMAN ADDITION
Section 20, T123N-R37W, Pope County, Minnesota



Surveyor's Notice:
1) The 273+ and 290+ s.f. tracts have been described as part of a proposed land swap between neighbors. These tracts are not intended to stand alone and are intended be combined with the adjacent parcels accordingly.

Proposed Land Description - 290± s.f.
That part of Lot 4, Block 1, of the record plat entitled STEGEMAN ADDITION, on file in the office of the Pope County Recorder, described as follows:

- Beginning at the most northerly corner of said Lot 4;
- thence on an assumed bearing of South 54 degrees 15 minutes 35 seconds West, along the northwesterly line of said Lot 4, a distance of 58.42 feet;
- thence on a bearing of North 64 degrees 05 minutes 32 seconds East a distance of 58.26 feet to the northeasterly line of said Lot 4;
- thence on a bearing of North 29 degrees 53 minutes 25 seconds West, along the northeasterly line of said Lot 4, a distance of 10.00 feet to the point of beginning.

Resultant Land Description - Ast Parcel
Lots Five (5) and Six (6), Scandia Shores, being a part of Government Lots Six (6) and Seven (7), Section Twenty (20), Township One Hundred Twenty-three (123), Range Thirty-Seven (37)
AND Lot 005, Block 001, Stegeman Addition, Section Twenty (20), Township One Hundred Twenty-three (123), Range Thirty-Seven (37)

AND ALSO that part of the vacated Dedicated Lane, as shown on said record plat entitled SCANDIA SHORES, which adjoins Lots 5 and 6 of said SCANDIA SHORES and Lot 5, Block 1, of said record plat entitled STEGEMAN ADDITION and vacated by Document No. 237568, on file in the office of the Pope County Recorder;

AND ALSO that part of Lot 4 of Block 1 of said STEGEMAN ADDITION described as follows:

- Beginning at the most northerly corner of said Lot 4;
- thence on an assumed bearing of South 54 degrees 15 minutes 35 seconds West, along the northwesterly line of said Lot 4, a distance of 58.42 feet;
- thence on a bearing of North 64 degrees 05 minutes 32 seconds East a distance of 58.26 feet to the northeasterly line of said Lot 4;
- thence on a bearing of North 29 degrees 53 minutes 25 seconds West, along the northeasterly line of said Lot 4, a distance of 10.00 feet to the point of beginning.

EXCEPT that part of Lot 5 of Block 1 of said STEGEMAN ADDITION described as follows:

- Commencing at the most northerly corner of Lot 4 of said Block 1;
- thence on an assumed bearing of South 54 degrees 15 minutes 35 seconds West, along the northwesterly line of said Lot 4, a distance of 58.42 feet to the point of beginning of the land to be described;
- thence on a bearing of North 73 degrees 46 minutes 15 seconds West a distance of 31.57 feet to the southwesterly line of said Lot 5;
- thence on a bearing of South 29 degrees 53 minutes 25 seconds East, along the southwesterly line of said Lot 5, a distance of 25.00 feet to the most southerly corner of said Lot 5;
- thence on a bearing of North 54 degrees 15 minutes 35 seconds East, along the northwesterly line of said Lot 4, a distance of 22.00 feet to the point of beginning.

TOGETHER WITH a permanent easement for ingress and egress over lands lying within eight (8) feet on either side of the following described line: Commencing at a point on the Southeast line of Lot Three (3), Block One (1), Stegeman Addition located ten (10) feet east of the Southwest Corner; thence Northerly to a point on the Northeast line of said Lot Three (3), to a point situated twelve (12) feet Southeast of the most northerly point of Lot Three (3); thence continuing on the same bearing to a point eight (8) feet south of the Southwest line of Lot Six (6), Scandia Shores; thence Northwesterly parallel to the Southwest line of said Lot Six (6), Scandia Shores to the point where the described line intersects with a Southwesterly extension of the Northeast line of said Lot 6, Scandia Shores, and there terminating.

Proposed Land Description - 273± s.f.
That part of Lot 5, Block 1, of the record plat entitled STEGEMAN ADDITION, on file in the office of the Pope County Recorder, described as follows:

- Commencing at the most northerly corner of Lot 4 of said Block 1;
- thence on an assumed bearing of South 54 degrees 15 minutes 35 seconds West, along the northwesterly line of said Lot 4, a distance of 58.42 feet to the point of beginning of the land to be described;
- thence on a bearing of North 73 degrees 46 minutes 15 seconds West a distance of 31.57 feet to the southwesterly line of said Lot 5;
- thence on a bearing of South 29 degrees 53 minutes 25 seconds East, along the southwesterly line of said Lot 5, a distance of 25.00 feet to the most southerly corner of said Lot 5;
- thence on a bearing of North 54 degrees 15 minutes 35 seconds East, along the northwesterly line of said Lot 4, a distance of 22.00 feet to the point of beginning.

Resultant Land Description - Payne Parcel
Lot 1, Block 1, Stegeman Addition, Pope County, Minnesota;
Lot 3, Block 1, Stegeman Addition, Pope County, Minnesota;
Lot 4, Block 1, Stegeman Addition, Pope County, Minnesota;
Lot 7, Scandia Shores, Pope County, Minnesota;

AND ALSO that part of the vacated Dedicated Lane, as shown on the record plat entitled SCANDIA SHORES, which adjoins Lot 7, of said record plat entitled SCANDIA SHORES and vacated by Document No. 193948, on file in the office of the Pope County Recorder;

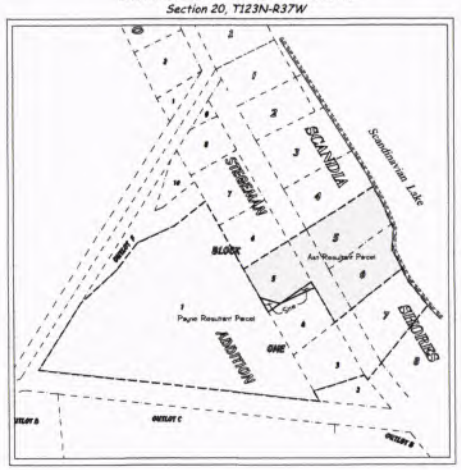
AND ALSO that part of Lot 5 of Block 1 of said STEGEMAN ADDITION described as follows:

- Commencing at the most northerly corner of Lot 4 of said Block 1;
- thence on an assumed bearing of South 54 degrees 15 minutes 35 seconds West, along the northwesterly line of said Lot 4, a distance of 58.42 feet to the point of beginning of the land to be described;
- thence on a bearing of North 73 degrees 46 minutes 15 seconds West a distance of 31.57 feet to the southwesterly line of said Lot 5;
- thence on a bearing of South 29 degrees 53 minutes 25 seconds East, along the southwesterly line of said Lot 5, a distance of 25.00 feet to the most southerly corner of said Lot 5;
- thence on a bearing of North 54 degrees 15 minutes 35 seconds East, along the northwesterly line of said Lot 4, a distance of 22.00 feet to the point of beginning.

EXCEPT that part of Lot 4 of Block 1 of said STEGEMAN ADDITION described as follows:

- Beginning at the most northerly corner of said Lot 4;
- thence on an assumed bearing of South 54 degrees 15 minutes 35 seconds West, along the northwesterly line of said Lot 4, a distance of 58.42 feet;
- thence on a bearing of North 64 degrees 05 minutes 32 seconds East a distance of 58.26 feet to the northeasterly line of said Lot 4;
- thence on a bearing of North 29 degrees 53 minutes 25 seconds West, along the northeasterly line of said Lot 4, a distance of 10.00 feet to the point of beginning.

Resultant Parcel Sketch - Not to Scale
Section 20, T123N-R37W



North

This drawing prepared by:

Bonnema Runke Stern Inc.
Professional Land Surveyors
456A Hwy 71 NE - Suite 1
Willmar, MN 56201
Office (320) 231-2844 Fax (320) 231-2827

Requested by: Byron Payne

0 10 20 30
Scale in feet

LEGEND

- Found Iron Monument from former survey
- Bonnema Runke Stern Inc. Placed Capped Iron Monument
- Cast Iron Monument
- Approximate Right of Way Line
- Adjacent Plat Lines
- Resultant Parcel Boundary
- Landscaping

All Documents referred to on this survey can be found on file in the office of the County Recorder

Bonnema Runke Stern Inc. is not giving a title opinion or abstract of this parcel. We suggest that you contact your attorney or a title insurance company for that purpose. Easements or neighboring deed conflicts may exist which affect this parcel and are not shown on this survey.

The distances shown from improvements to the property lines are shown for references purposes only and are NOT intended for determining the property line location. Property corner monuments shall always be used when establishing the property line.

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA, THE FIELD WORK WAS COMPLETED ON APRIL 8, 2026.

Leo A. Van Beck
Date: May 20, 2026 License No. 52454

Survey Requested By: Byron Payne
© BONNEMA RUNKE STERN INC 2026

20-123-37

Exhibit A

Supplemental Information Attachment 3:

Adverse Possession Letter
(Byron & Jill Payne, 29 May 2026)

Exhibit B

May 13, 2026

Byron and Jill,
This is our proposal for resolving the encroachment of your house/garage on Lake Scandi:

First we need to address the past 13 years. By building where you did, you took adverse possession of Mom and Dad's property for your own unjust enrichment. For this, we are asking $20,00 a year for a total of $260,000.

In addition, to correct this we would like to propose a land swap where you are given the back triangle of 17' x 31' x 31', approximately 252 sq. feet, in exchange for a triangle that would extend 28 feet along the east side of your Lot 4 and extend back about 63 feet, approximately 880 square feet. We've done a rough stake and string of this at the cabin and have indicated it on the attached sheet. You would cover all costs that these changes would incur.

Also, you commented on the "shared road" and stated that "the road was platted at 33 feet and once vacated each property owner gets half the road adjacent to their property or 16.5 feet." I do not have any paperwork that supports that and it runs counter to what our survey indicates. In the absence of these documents, we ask that you inform any purchaser of your property that the stakes from our survey are the road line and that is the west boundary of the Ast Cabin empty lot (with a dedicated lane).

Thank you for your attention to this,

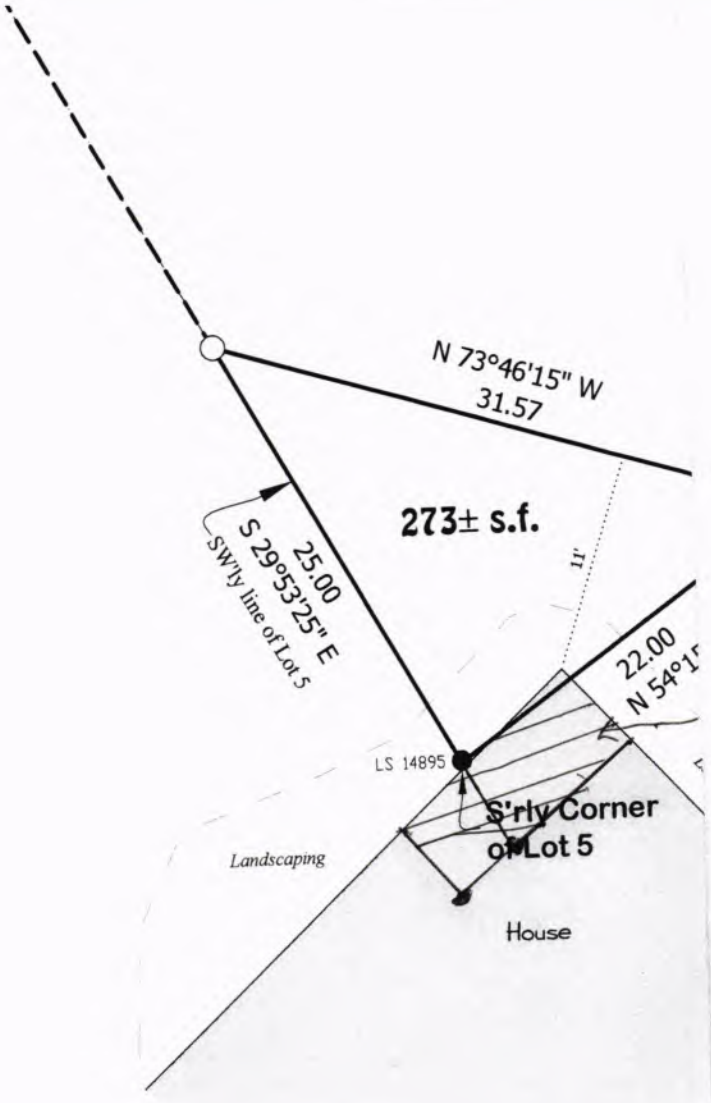
MaryBeth Gagner
Ast Family Cabin Trust

RECEIVED
MAY 21 2026
BY:

Supplemental Information Attachment 4:

Removal Plan
(Byron & Jill Payne, 29 May 2026)

RECEIVED
MAY 29 2026
BY:



We would remove this portion of garage to meet setback.

ADDITION

Supplemental Information Attachment 5:

Land Use Permit, BLD-12-013
(Pope County Land & Resource Management, 20 April 2012)

LAND USE PERMIT APPLICATION

PID # 19.0242.300
19.0242.303
19.0242.304

Pope County Land & Resource Management Department
130 E. Minnesota Ave., Suite 113
Glenwood, MN 56334
320-634-5715
Fax: 320-634-5711

04/04/2012 Parcel Number: ~~19-0424-000~~ Permit No: **BLD-12-013**

Legal Description: **31642 SCANDI LN. GLENWOOD, MN 56334**
STEGEMAN'S ADDITION BLOCK 1, LOTS 1,3,4

Lake: **Scandinavian** Zoning District: **Shoreland - Recreational Development** Plat: **STEGEMAN ADDITION**

Road: Section/Township/Range: **20 / Gilchrist Twp / 37** Lakeshore: **Yes**

Owner: BYRON PAYNE
Address: 280 HOLLANDER RD. WAYZATA, MN 55391 (612) 308-2789
Applicant Same as Owner

Contractor(s):	Address:	City/State/Zip:	License:	Phone:
Perc Plus	1001 Ruby St. NW	Alexandria MN 56308	258	3207605684

Lot Area: Elevation: Water Frontage: Application taken by: **STEVE**

Parcel Address: **31642 SCANDI LN GLENWOOD, MN**

Proposal: **CONSTRUCTION OF A NEW 50' X 58' HOUSE WITH A 25' X 30' GARAGE.**

Permit Fees

25' X 30' GARAGE	$75.00
50' X 58' HOUSE	$290.00
Total Permit Fees	$365.00

AGREEMENT: I hereby certify that the information contained herein is correct and agree to do the proposed work in accordance with the description above set forth. I further agree that any plans and specifications submitted shall become a part of this application. I also understand that this permit is valid for a period of 12 months.

Signature of Owner or Contractor Jim R Payne

Work authorized and permit issued by: Steve Jan Date 4-20-12

Comments/Stipulations:

EROSION CONTROL MEASURES ARE TO BE IMPLEMENTED AS NECESSARY DURING ALL PHASES OF CONSTRUCTION.

Supplemental Information Attachment 6:
Site Visit Photos
(L&RM Staff, 15 June 2026)