



AGENDA
Planning Commission Regular Meeting
Tuesday, January 27, 2026
6:30 PM
City Council Chambers, City Hall

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. ADDITIONS TO AGENDA**
- 3. AUDIENCE INPUT**
- 4. CONSENT AGENDA**
 - a. Minutes of the November 25, 2025 Regular Meeting Minutes
- 5. OLD BUSINESS**
- 6. PUBLIC HEARINGS**
 - a. Request by Brian Verkinderen for variances to allow for an accessory structure to exceed the maximum allowable aggregate area for detached accessory structures and to allow for the installation of a second driveway and curb cut on the property.
 - b. Request by Greg Fox for a lot division and a variance to allow for a 0' yard setback and to allow for the creation of a parcel without frontage along a public right of way.
- 7. NEW BUSINESS**
- 8. DISCUSSION**
- 9. ADJOURNMENT**

**ROSEMOUNT PLANNING COMMISSION
REGULAR MEETING PROCEEDINGS
NOVEMBER 25, 2025**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Pursuant to due call and notice thereof a regular meeting of the Planning Commission was held on Tuesday, November 25, 2025, at 6:30 PM. in Rosemount Council Chambers, 2875 145th Street West.

Chairperson Kenninger called the meeting to order with Commissioners Rivera, Buggi, Reed, Beadner, and Arnob. Commissioner Ellis was absent.

Staff present included the following; Community Development (CD) Director Adam Kienberger, Senior Planner Anthony Nemcek, Planner Julia Hogan, and CD Technician Liz Kohler.

The Pledge of Allegiance was said.

ADDITIONS TO AGENDA

None.

AUDIENCE INPUT

None.

CONSENT AGENDA

- a. Minutes of the September 23, 2025 Regular Meeting Minutes

Motion by Kenninger **Second by** Reed

Motion to approve the minutes of the September 23, 2025 meeting.

Ayes: 6.

Nays: None. Motion Carried.

OLD BUSINESS

None.

PUBLIC HEARINGS

- a. Request by Frattalone Companies, Inc. for renewal of its Small-Scale Mineral Extraction Permit for 2026 and 2027

Planner Hogan presented a request by Frattalone Companies, Inc. for the renewal of their small scale mineral extraction permit for 2026 and 2027. She showed the site location, areal images from 2024 and 2025, the site plan, and site photos. Staff recommended approval.

Commissioner Kenninger opened the public hearing.

Motion by Beadner **Second by** Reed

Motion to close the public hearing.

Ayes: 6.
Nays: None. Motion Carried.

Chairperson Kenninger asked Hogan to confirm that there were no complaints filed with the police department. Hogan confirmed there were none.

Motion by Buggi Second by Rivera

Motion to recommend the City Council approve the Frattalone Companies, Inc. Small Scale Mineral Extraction Permit for 2026 and 2027, subject to the terms and conditions in the attached 2026 and 2027 Draft Conditions for Mineral Extraction.

Ayes: 6.
Nays: None. Motion Carried.

NEW BUSINESS

None.

DISCUSSION

a. Annual Administrative Review of Small Scale Mineral Extraction Operations

Senior Planner Nemcek presented the annual administrative review of small scale mineral extraction operations for the mineral extraction operations in the second year of their permit. Nemcek discussed Dakota Aggregates' mining operation, including mining activity and expansion, areal imagery, and site photos. He noted a few complaints about overnight mining and reminded the commission that they had a 24 hour permit so they are allowed to mine overnight. Commissioner Reed asked about mining moving further south. Nemcek responded that it is a possibility in the future.

Nemcek also presented on the Shafer Co. mining operation. He showed site photos of the operation. Nemcek presented on the Steininger mining operation and noted that they are using the mining for their own projects. The last mining operation he presented was for the Bolander mining operation. He showed site photos and noted areas of activity. Nemcek noted that staff and the police department haven't received any complaints for any of these three mines.

b. 10-year Comprehensive Plan Update Cycle Kick-off

Nemcek presented on the 10-year Comprehensive Plan Update kick-off. He explained the background of comprehensive planning as it relates to the city. He noted the required elements of the comprehensive plan. He noted the new climate section and that, in the past, Rosemount has done chapters on economic competitiveness and resiliency.

Nemcek discussed system statements, forecasts, and next steps. He noted that staff will be meeting with consultants for potential collaboration.

Chairperson Kenninger asked when the plan is meant to be completed. Nemcek stated that it needs to be completed by December 31, 2028.

Commissioner Reed asked if it was possible to have shared meetings with other commissions. Kienberger noted that RFPs will be going out in 2026 for a consultant and that will be chosen around the summer of 2026.

Nemcek also reminded the Commission that the Metropolitan Council places a moratorium on comprehensive plan amendments during the comprehensive plan review time, so it is something to be aware of. He stated that it would be about a year-long process. Kienberger added that having conversations with developers ahead of time to avoid getting stuck with the moratorium.

Commissioner Beadner asked about community engagement for the comprehensive plan. Nemcek stated that it could be done in house or through the consultant.

c. Planning Commission Calendar 2026

Hogan noted that there were two meetings not on the fourth Tuesday of the month in the 2026 calendar. The March meeting has been moved up a week to accommodate spring break. The December meeting date was discussed and commissioners were instructed to let staff know their preference.

ADJOURNMENT

There being no further business to come before the Planning Commission at the regular meeting, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

Liz Kohler
Community Development Technician

Planning Commission Regular Meeting: January 27, 2026

Tentative City Council Meeting: Unless the action taken tonight is appealed, this item will not go before the City Council.

<p>AGENDA ITEM: Request by Brian Verkinderen for variances to allow for an accessory structure to exceed the maximum allowable aggregate area for detached accessory structures and to allow for the installation of a second driveway and curb cut on the property.</p>	<p>AGENDA SECTION: PUBLIC HEARINGS</p>
<p>PREPARED BY: Julia Hogan, Planner</p>	<p>AGENDA NO. 6.a.</p>
<p>ATTACHMENTS: Resolution, Site Location, Applicant's Narrative, Certificate of Survey</p>	<p>APPROVED BY: AK</p>
<p>RECOMMENDED ACTION: Motion to adopt a resolution approving variances from Sections 11-6-7 and 11-7-3 to allow a 2,194 square foot accessory structure, exceeding the 1,200 square foot maximum aggregate area for detached accessory structures in the Rural Residential zoning district, and to allow for the installation of a second driveway and curb cut on the property at 12475 Danbury Way.</p>	

BACKGROUND

Property Owner and Applicant:	Brian Verkinderen
Site Location:	12475 Danbury Way
Site Area:	2.54 Acres
Current Zoning:	RR - Rural Residential District
Comp Plan Designation:	RR - Rural Residential

The Planning Commission, acting as the Board of Appeals and Adjustments, is being asked to consider a request by Brian Verkinderen for a variance to allow for an accessory structure to exceed the maximum aggregate detached accessory structure area allowed within the RR-Rural Residential zoning district and a variance to allow for a second curb cut to be installed from 12475 Danbury Way to the Danbury Way right of way. Staff is recommending approval of the requests based on the information provided by the applicant and reviewed in this report.

BACKGROUND

The subject parcel is located in the extreme northwest portion of the city, directly north of McAndrews Road, west of Danbury Way and east of the Apple Valley Golf Course. The property is located within the RR – Rural Residential zoning district and is a part of Mickelsons 1st Addition which was platted in 1978. The property is 2.54-acres in size which meets the minimum lot size requirement of 2.5-acres for platted lots within the Rural Residential zoning district. Currently, on the property there is an existing single-family home that was built in 1979 located on the southern portion of the property adjacent to

McAndrews Road.

The current owner of the property located at 12475 Danbury Way contacted the City in 2025 regarding the construction of a new single-family residence on the northern portion of the site. Due to the proximity of the existing residence to McAndrews Road and the presence of wetlands and easement areas located near the center of the property, the northernmost portion of the site is the only feasible location for a new home. The property cannot be further subdivided to accommodate an additional single-family residence, as the existing 2.54-acre parcel represents the minimum lot size permitted for platted lots within the Rural Residential zoning district. Because the existing residence is in good condition, the property owner seeks to retain the structure and convert it to an accessory structure. However, the existing structure has a floor area of 2,194 square feet, which exceeds the maximum aggregate detached accessory structure area of 1,200 square feet permitted by the zoning ordinance. As a result, a variance of 994 square feet is required to allow the conversion of the existing residence to an accessory structure.

The property owner provided a narrative with their application materials that states that the existing home would be converted and used as a storage facility, workshop, and temporary office. They also explain that since the usage of the space will be limited, and the building currently has access to water and septic that they would like to continue these features with the accessory structure. The property owner plans to keep the existing kitchen in the structure, but it will be used on a much smaller scale. They also plan on keeping the two existing bathrooms, but they plan on using them on a smaller scale as well. There are currently three bedrooms in the existing structure but the property owner states that they will no longer be used as bedrooms with the conversion to an auxiliary building.

The City permits internal or attached accessory dwelling units; however, detached accessory dwelling units are not allowed. The proposed accessory structure would not be permitted for use as either a short-term or long-term rental, nor would it be allowed to function as a secondary dwelling on the site, in accordance with the City's zoning code. Additionally, the City administers a rental licensing program to ensure that rental housing is operated and maintained in a safe, sanitary, and well-managed manner and does not become a nuisance to surrounding properties. This program applies to all dwelling units that are leased, in whole or in part, for residential purposes. Because detached accessory dwelling units are not a permitted use within the City, the proposed accessory structure would not be eligible for approval of a rental license for residential occupancy.

To accommodate the proposed new single-family residence, an additional driveway and curb cut will be required. The property currently has an existing driveway and curb cut serving the existing residence on the southern portion of the site. However, due to the location of the proposed home, a separate access point is necessary. The Rural Residential zoning district allows single-unit lots of record to have a horseshoe or loop driveway with no more than two curb cuts. Because of the configuration of the property and the presence of wetlands and easement areas located near the center of the site, a horseshoe or looped driveway is not feasible. As a result, the property owner is requesting a variance to allow a second driveway and curb cut.

The site also presents challenges related to wetlands and septic system placement. A proposed septic system design was submitted in late 2025 that includes the addition of new tanks, reuse of existing tanks, installation of a new drain field, and new connection piping to serve the proposed residence.

The existing septic system is located on the southern portion of the property, south of the wetland area. If the requested variances are approved by the Board of Appeals and Adjustments, a wetland delineation will be required. Depending on the findings of the delineation, the septic system design may need to be revised to adequately serve both the existing structure and the proposed new home.

ISSUE ANALYSIS

Variance Standards

According to Section 11-9-5.G, there are five criteria for the Board of Appeals and Adjustments to review when considering a variance request. The five criteria used to assess each request, along with staff's findings for each, are listed below. While weighing a variance request against these criteria, there are also two key issues to consider. The first is whether the applicant has reasonable use of their property without the variance. The second is whether the project can be redesigned to eliminate or reduce the need for a variance. The Board of Zoning Appeals must approve or deny each request based on findings related to each of the five standards.

1. The variance request is in harmony with the purposes and intent of the ordinance.

Finding: Staff finds that the request is consistent with and in harmony with the purpose and intent of the zoning ordinance. The Rural Residential zoning district is intended to provide for a large-lot, rural residential lifestyle that is separate from and not in conflict with commercial agricultural activities. The zoning ordinance anticipates and accommodates this lifestyle by permitting larger accessory structures on Rural Residential lots due to their increased minimum lot size requirements. In addition, the ordinance allows for multiple driveways and curb cuts within the Rural Residential district to serve the functional needs of large-lot residential properties.

2. The variance is consistent with the comprehensive plan.

Finding: The site is designated as Rural Residential. The variance requests are consistent with that designation.

3. The property owner proposes to use the property in a reasonable manner.

Finding: Staff finds that, given the information received from the applicant, the property owner proposes to use the property in a reasonable manner.

4. There are unique circumstances to the property which are not created by the landowner.

Finding: Staff finds that unique circumstances exist on the property. The site cannot be further subdivided to accommodate an additional dwelling due to the minimum lot size requirements of the Rural Residential zoning district. Additionally, the presence of wetlands and the site's topography significantly limit the feasible locations for new construction, necessitating that the proposed home be situated on the northernmost portion of the property. The existing home on the site is in good condition and can be repurposed as an accessory structure, which further contributes to the unique circumstances of the property.

5. Granting of the variance does not alter the essential character of the locality.

Finding: Granting the variance would not alter the essential character of the locality. The subject parcel is consistent with other rural, large-lot properties located in the northwest portion of the city. Properties zoned Rural Residential are permitted larger accessory structures than other residential zoning classifications due to their greater minimum lot size requirements. Additionally, single unit lots

of record within the Rural Residential zoning district may include a horseshoe or loop driveway with up to two curb cuts. Similar driveway configurations with multiple curb cuts are commonly found on Rural Residential zoned properties throughout the city.

RECOMMENDATION

Staff is recommending approval by the Board of Appeals and Adjustments of the variances requested based on the information contained in this report and provided by the applicant.

**CITY OF ROSEMOUNT
DAKOTA COUNTY, MINNESOTA**

RESOLUTION BA2026-01

**A RESOLUTION APPROVING VARIANCES FROM SECTIONS 11-6-7 AND 11-7-3
TO ALLOW FOR A 2,194 SQUARE FOOT ACCESSORY STRUCTURE, EXCEEDING
THE 1,200 SQUARE FOOT MAXIMUM AGGREGATE AREA FOR DETACHED
ACCESSORY STRUCTURES IN THE RURAL RESIDENTIAL ZONING DISTRICT,
AND TO ALLOW FOR THE INSTALLATION OF A SECOND DRIVEWAY AND CURB
CUT ON THE PROPERTY AT 12475 DANBURY WAY**

WHEREAS, Brian Verkinderen, (the “Applicant”) has submitted an application to the City of Rosemount (the “City”) for a variance from sections 11-6-7 and 11-7-3 of the Zoning Ordinance to allow for a 2,194 square foot accessory structure and a second driveway and curb cut to be installed on the property at 12475 Danbury Way.

WHEREAS, notice has been published, mailed and posted pursuant to the Rosemount Zoning Ordinance, Section 11-9-1; and

WHEREAS, the Rosemount Board of Appeals and Adjustments held a public hearing for a variance to allow for a 2,194 square foot accessory structure and a second driveway and curb cut to be installed on the property at 12475 Danbury Way on January 27, 2026.

NOW, THEREFORE, based on the testimony elicited and information received, the Rosemount Board of Appeals and Adjustments makes the following:

FINDINGS

1. That the procedures for obtaining said Variance are found in the Rosemount Zoning Ordinance, Section 11-9-2.
2. That all the submission requirements of said Section 11-9-2 have been met by the Applicant.
3. The proposed Variances will allow for an existing 2,194 square foot structure on site to remain and be converted to an accessory structure and will allow for a second driveway and curb cut to be installed on the property at 12475 Danbury Way.
4. That the Variances will be located on property legally described as follows: Lot 3, Block 1, MICKELSONS 1ST ADDITION, Dakota County, Minnesota.
5. That the request is in harmony with the purposes and intend of the ordinance.
6. The site is designated as Rural Residential. The variance request is consistent with that designation.

7. The property owner proposes using the property in a reasonable manner, and the project being facilitated by the variance request is reasonable and in keeping with the character of the surrounding area.
8. There are unique circumstances relating to the property. It cannot be further subdivided due to minimum lot size requirements in the Rural Residential zoning district. Wetlands and topography also limit where new construction can occur, requiring the proposed home to be located on the northernmost portion of the site. The existing home is in good condition and can be reused as an accessory structure, further contributing to the property's unique circumstances.
9. The essential character of the locality would not be altered by granting the variance.

CONCLUSIONS AND DECISION

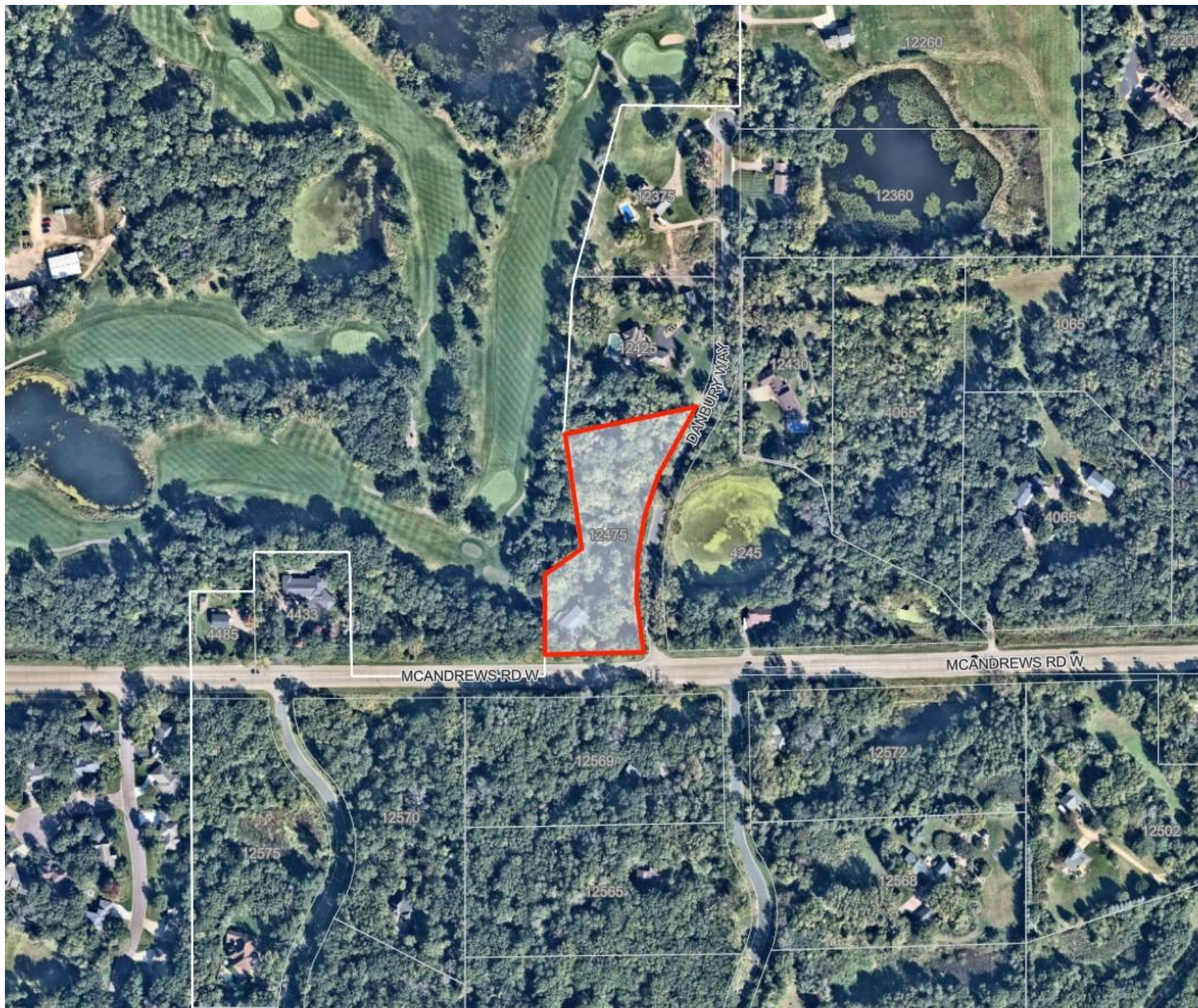
Based on the foregoing, the Applicant's application for a Variance is granted.

Passed and duly adopted this 27th day of January, 2026, by the Board of Appeals and Adjustments of the City of Rosemount, Minnesota.

Melissa Kenninger, Chair

ATTEST:

Elizabeth Kohler
Community Development Technician



FUTURE AUXILIARY BUILDING

12475 Danbury Way, Rosemount MN 55068

City of Rosemount
Septic Inspection Department

18 June, 2025

To Whom It may concern,

A request was made to provide a letter on how the current property at 12475 Danbury Way will be used after the new residential home is built. The old building will be used as a storage facility, workshop, temporary office. Usage of this space will be limited and since there is already water and septic to this building, I see no reason to discontinue using these features.

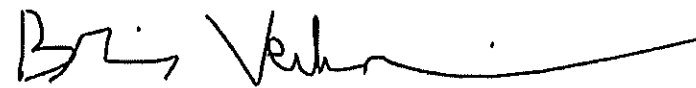
Please see the following information requested on how the current home will be transformed and utilized into an auxiliary building after a new home is built on the property in order to properly size the septic field.

1. Will the current kitchen remain and be used regularly? *Yes, the kitchen will remain but used on a much smaller scale.*
2. Will current bath rooms remain usable? *Yes, 2 bathrooms will remain but used very little.*
3. How many bed rooms are there? *There are currently three bedrooms in the house but those will be no longer be bedrooms per discussions with Anthony Nemcek with City Planning.*

We have met with city planning multiple times and we put together a plan with Anthony Nemcek (City Senior Planner) to apply for a variance to add the second home to this site and we are working on identifying with the City on what conditions will need to be met to make this a non-dwelling structure.

Please reach out if you have any additional questions or concerns.

Sincerely,



Brian Verkinderen

CERTIFICATE OF SURVEY

12475 DANBURY WAY, ROSEMOUNT, MN

- ### LEGEND
- MONUMENT FOUND
 - IRON PIPE MONUMENT SET
 - WOOD HUB SET
 - DRAINAGE ARROW
 - ✕ EXISTING SPOT ELEVATION
 - (1027.78) PROPOSED ELEVATION
 - AS-BUILT ELEVATION
 - PROPOSED CONTOURS
 - EXISTING CONTOURS
 - CATCH BASIN
 - UTILITY PEDESTAL
 - ▲ SIGNPOST
 - SEPTIC
 - PROPOSED SILT FENCE

LEGAL DESCRIPTION

LOT 3, BLOCK 1, MICKELSONS' 1ST ADDITION, according to the Plat thereof, on file and of record in the Office of the Dakota County Recorder:

LOT AREA:
110,740 SQUARE FEET (2.54 ACRES)

APPROXIMATE SQUARE FOOTAGE:

- PROPOSED BUILDING AREA = 3,213
- PROPOSED DRIVEWAY AREA = 1,674
- PROPOSED PORCH AREAS = 585
- PROPOSED DECK AREA = 299
- EXISTING WALK AREA = 402
- EXISTING HOUSE AREA = 2,194
- EXISTING BITUMINOUS DRIVEWAY AREA = 3,707
- EXISTING DECK AREA = 164
- EXISTING CONCRETE AREA = 1,239
- EXISTING GRAVEL DRIVEWAY AREA = 1,384
- EXISTING SHED AREA = 79

TOTAL IMPERVIOUS SURFACE = 14,943 OR 13.49%

*NOTE:

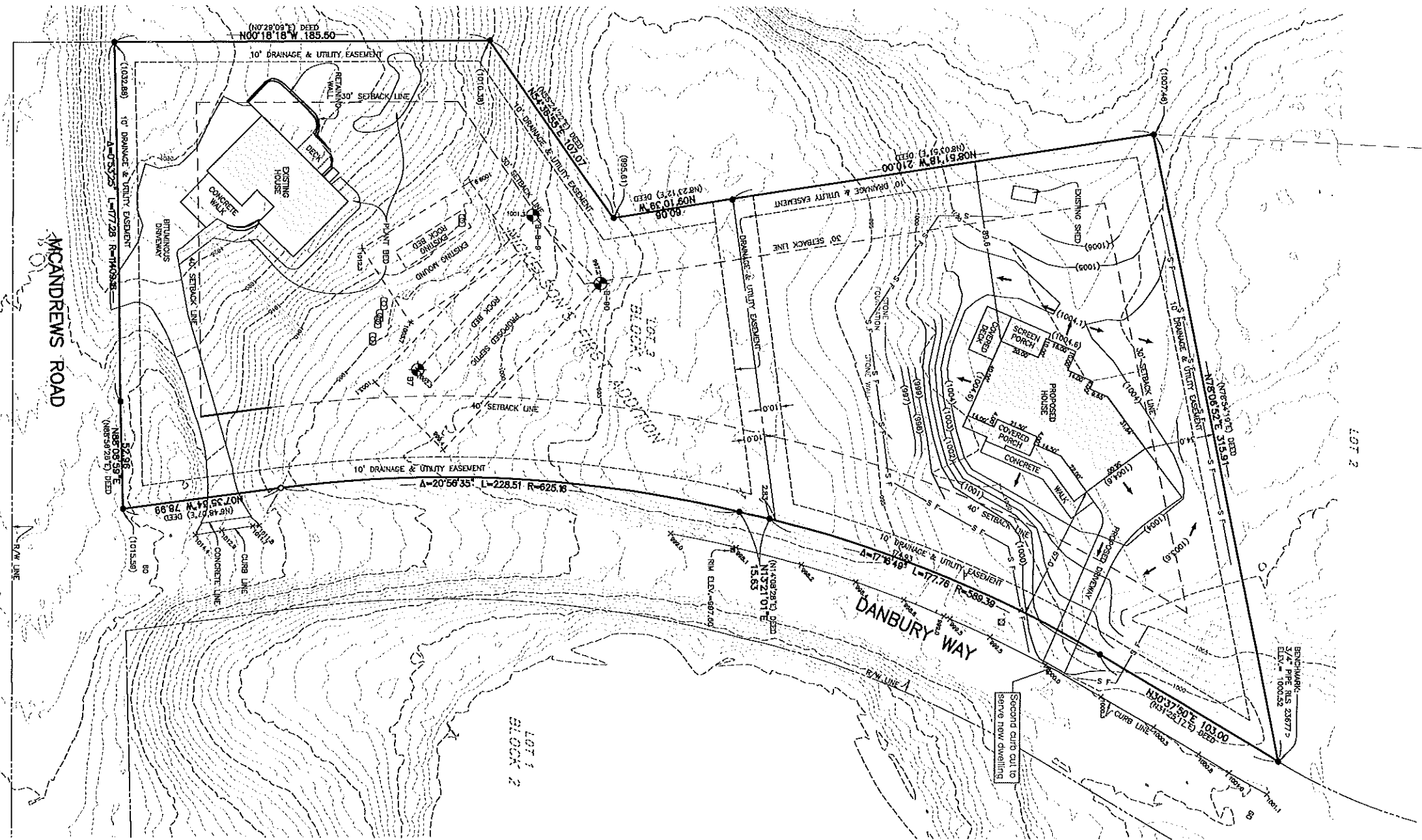
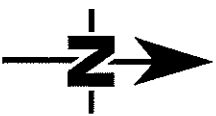
CONTRACTOR TO FIELD VERIFY ACTUAL SQUARE FOOTAGES.

PROPOSED ELEVATIONS:

- TOP OF FOUNDATION = 1005.0
- GARAGE FLOOR = 1004.6
- MAIN BASEMENT FLOOR (FB) = 996.3
- GOLF SIMULATOR ROOM = 995.3

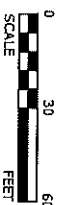
SET BACK REQUIREMENTS:

- 40' FRONT HOUSE TO R.O.W.
- 30' SIDE HOUSE TO PROPERTY LINE
- 30' REAR HOUSE TO PROPERTY LINE



SURVEYOR:
Stonebrooke Engineering, Inc.
12279 Nicollet Ave. S.
Burnsville, MN 55337
Phone: 952-402-9202
Fax: 952-403-6803
www.stonebrookeengineering.com

REV. NO.	DATE	BY	CHK	DESCRIPTION
1	09/16/2025	MPH	AM	ADDED IMPERVIOUS SURFACE %



Orientation of the bearing system is based on Dakota County Coordinates, NAD 83, (2011 adjustment).



Stonebrooke

CERTIFICATE OF SURVEY
LOT 3, BLOCK 1, MICKELSONS' FIRST ADDITION
DAKOTA COUNTY, MINNESOTA

SHEET 1 OF 1

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.

NAME: Aaron J. Mickelson
DATE: 09-16-2025

Planning Commission Regular Meeting: January 27, 2026

Tenative City Council Meeting: February 17th, 2026

<p>AGENDA ITEM: Request by Greg Fox for a lot division and a variance to allow for a 0' yard setback and to allow for the creation of a parcel without frontage along a public right of way.</p>	<p>AGENDA SECTION: PUBLIC HEARINGS</p>
<p>PREPARED BY: Anthony Nemcek , Senior Planner</p>	<p>AGENDA NO. 6.b.</p>
<p>ATTACHMENTS: Resolution, Site Location Map, Proposed Parcel Split</p>	<p>APPROVED BY: AK</p>
<p>RECOMMENDED ACTION: Motion to adopt a resolution approving a variance from sections 11-2-5 and 11-3-4 to allow for a 0' yard setback and to allow for the creation of a parcel without frontage along a public right of way.</p> <p>Motion to recommend the City Council approve the subdivision to create a 4.59 acre parcel within the larger existing parcel located at 15391 Emery Avenue, subject to the following:</p> <ol style="list-style-type: none"> 1. An access easement connecting the newly created parcel with Emery Avenue is dedicated against the existing property. 2. No residential dwellings are allowed on the newly created parcel. 	

BACKGROUND

Applicant and Owner	Greg Fox
Site Location	15391 Emery Avenue
Overall Site Area	34.27 Acres
Zoning	A-2 Agriculture
Land Use Designation	AG Agriculture

The Planning Commission is being asked to consider requests by Greg Fox, the owner of the property located at 15391 Emery Avenue, that would allow him to create a parcel to accommodate a new agricultural building on said property. The applicant is proposing the creation of a new parcel within the existing parcel which would contain a new agricultural structure. The parcel would not have frontage along a public right of way, and one of the parcel boundaries would bisect an existing building. The applicant has indicated that the financing mechanism being employed to fund the project requires the building to be located on its own parcel. Additionally, to comply with state regulations for hog farms, the buildings need to be connected for biosecurity reasons and to avoid bringing outside contagions into the facility. The proposed parcel meets all other dimensional standards for lots in the A-2 Agriculture zoning district, and the applicant is not requesting any variances from the site

standards of the zoning ordinance to accommodate the new building. Staff is recommending approval of the requests. Additional information and staff findings related to the variance request are contained within this report.

LAND USE AND ZONING

The subject property is located at 15391 Emery Avenue in the southeast portion of the City. This part of the City is characterized by established farms and former farmsteads that have been subdivided from the larger tillable acreage. The zoning and land use designation are both Agriculture, and the applicant's request is consistent with both the land use and zoning. The proposed parcel meets the minimum lot area and lot width for the A-2 zoning district. The only lot standard that is not met is the requirement that the parcel fronts onto a public road or right of way. The applicant indicates that an access easement will be dedicated to connect the parcel to Emery Avenue along existing internal driveways. Dedication of this easement is included as a condition of approval. The Applicant has provided a preliminary survey showing the proposed parcel and anticipated building location. The final site plan for the building will be reviewed for compliance with setbacks and other site standards through the building permitting process. The table below offers a comparison of the proposed parcel and site dimensions and the requirements of the City Code.

Standard	Required	Provided
Minimum Lot Area	2.5 Acres	4.59 Acres
Minimum Lot Width	300 Feet	400 Feet
Minimum Front Setback	50'	82'
Minimum Side Yard Setback	30'	46.3'

VARIANCE

In order to facilitate the subdivision being proposed by the applicant, a variance from two sections of the zoning ordinance is needed. The applicant is proposing a parcel that is entirely internal to the existing parcel while the code requires buildable lots to have frontage along a public right of way. This would not be the first time the Planning Commission, acting as the Board of Appeals and Adjustments, has approved a variance allowing for the creation of a parcel that lacks frontage along a right of way. In the northwest part of Rosemount, a plat was approved to subdivide a family's property to create parcels for the owner's children to build homes on. Those parcels are only accessible via a driveway within an access easement. This is a similar situation, although a residential structure is not being proposed as part of this request.

The second component of the proposed variance relates to the side yard setback standards of the A-2 zoning district. In order to comply with requirements of the state for the type of agriculture that occurs on the site, specifically that the structures be connected to allow internal movement between barns, a parcel boundary will inevitably bisect a structure. The subdivision of property is required to finance the project, otherwise the structure could just be approved through the building permit process.

Variance Standards

Section 11-9-5 of the zoning ordinance identifies 5 criteria for the Planning Commission, acting as the Board of Appeals and Adjustments, to review when considering a variance request. The five criteria used to assess each request, along with staff's findings for each, are listed below. While weighing a variance request against these criteria, there are also two key issues to consider. The first is whether the applicant has reasonable use of their property without the variance. The second is whether the project can be redesigned to eliminate or reduce the need for a variance. The Board of Zoning Appeals must approve or deny variance requests based on findings related to each of the five standards.

1. The variance request is in harmony with the purposes and intent of the ordinance.

Finding: According to the zoning ordinance, the purpose of the Agricultural District is to encourage the long-term continuation of agricultural and related uses in the city in areas which are both suitable for agriculture and are not planned for urban development. Both components of the proposed variance are being requested in order to facilitate the expansion of an existing agricultural use. Staff finds that the request is in harmony with the purpose and intent of the ordinance.

2. The variance request is consistent with the Comprehensive Plan.

Finding: Similar to the first criteria, staff finds that the request is consistent with the Comprehensive Plan, which designates the subject property for agricultural uses.

3. The property owner proposes to use the property in a reasonable manner.

Finding: Staff finds that the project being facilitated by the variance request is reasonable and in keeping with the character of the surrounding area.

4. There are unique circumstances to the property which are not created by the landowner.

Finding: There are unique circumstances relating to certain regulatory agency requirements that buildings for this type of use must be connected to maintain a certain level of biosecurity. Additionally there are requirements of the financing mechanism being used to fund the new building being placed on its own parcel. Lastly, because the buildings need to be connected, creating a parcel adjacent to Emery Avenue is not feasible given the location of other existing buildings on the site.

5. Granting of the variance does not alter the essential character of the locality.

Finding: The essential character of the locality would not be altered by granting the variance. The area will remain agricultural in nature.

RECOMMENDATION

Staff is recommending approval of the requests. Ultimately, the impact of approving the variance request is minimal given the agricultural use of the property. No additional dwelling units would be permitted on the subject property due to the maximum density of one unit per 40 acres. If the site is ever redeveloped in the future into a different use, the site would need to be replatted to accommodate that. The character of the vicinity will be maintained, and strengthened, with the proposed addition of an agricultural building.

**CITY OF ROSEMOUNT
DAKOTA COUNTY, MINNESOTA**

RESOLUTION BA2025-02

**A RESOLUTION APPROVING A VARIANCE FROM SECTIONS 11-2-5 AND 11-3-4
TO ALLOW FOR A ZERO-FOOT (0') YARD SETBACK AND TO ALLOW FOR THE
CREATION OF A PARCEL WITHOUT FRONTAGE ALONG A PUBLIC RIGHT OF
WAY.**

WHEREAS, Greg Fox, (the “Applicant”) has submitted an application to the City of Rosemount (the “City”) for a variance from sections 11-2-5 and 11-3-4 of the Zoning Ordinance to allow for a zero-foot (0') yard setback and to allow for the creation of a parcel without frontage along a public right of way.

WHEREAS, notice has been published, mailed and posted pursuant to the Rosemount Zoning Ordinance, Section 11-9-1; and

WHEREAS, the Rosemount Board of Appeals and Adjustments held a public hearing for a variance to allow for a zero foot (0') yard setback and to allow for the creation of a parcel without frontage along a public right of way on January 27, 2026.

NOW, THEREFORE, based on the testimony elicited and information received, the Rosemount Board of Appeals and Adjustments makes the following:

FINDINGS

1. That the procedures for obtaining said Variance are found in the Rosemount Zoning Ordinance, Section 11-9-2.
2. That all the submission requirements of said Section 11-9-2 have been met by the Applicant.
3. That the proposed Variance will allow the creation of a parcel without frontage along a public right of way and allow a parcel boundary to bisect an existing structure.
4. That the Variance will be located on property legally described as follows: The Southeast Quarter of the Northeast Quarter of Section 32, Township 115 North, Range 18 West, Dakota County, Minnesota lying south of the north 50.00 feet thereof, EXCEPT the south 466.85 feet of the east 416.68 feet thereof, containing 34.28 acres more or less, according to the Government Survey thereof.
5. That the request is in harmony with the purposes and intend of the ordinance.
6. The site is designated as AG-Agriculture. The variance request is consistent with that designation.

7. The property owner proposes using the property in a reasonable manner, and the project being facilitated by the variance request is reasonable and in keeping with the character of the surrounding area.
8. There are unique circumstances relating to certain regulatory requirements the buildings for this type of use must be connected, and there are requirements related to the financing of the project that require the creation of a parcel within which the new building will be constructed.
9. The essential character of the locality would not be altered by granting the variance.

CONCLUSIONS AND DECISION

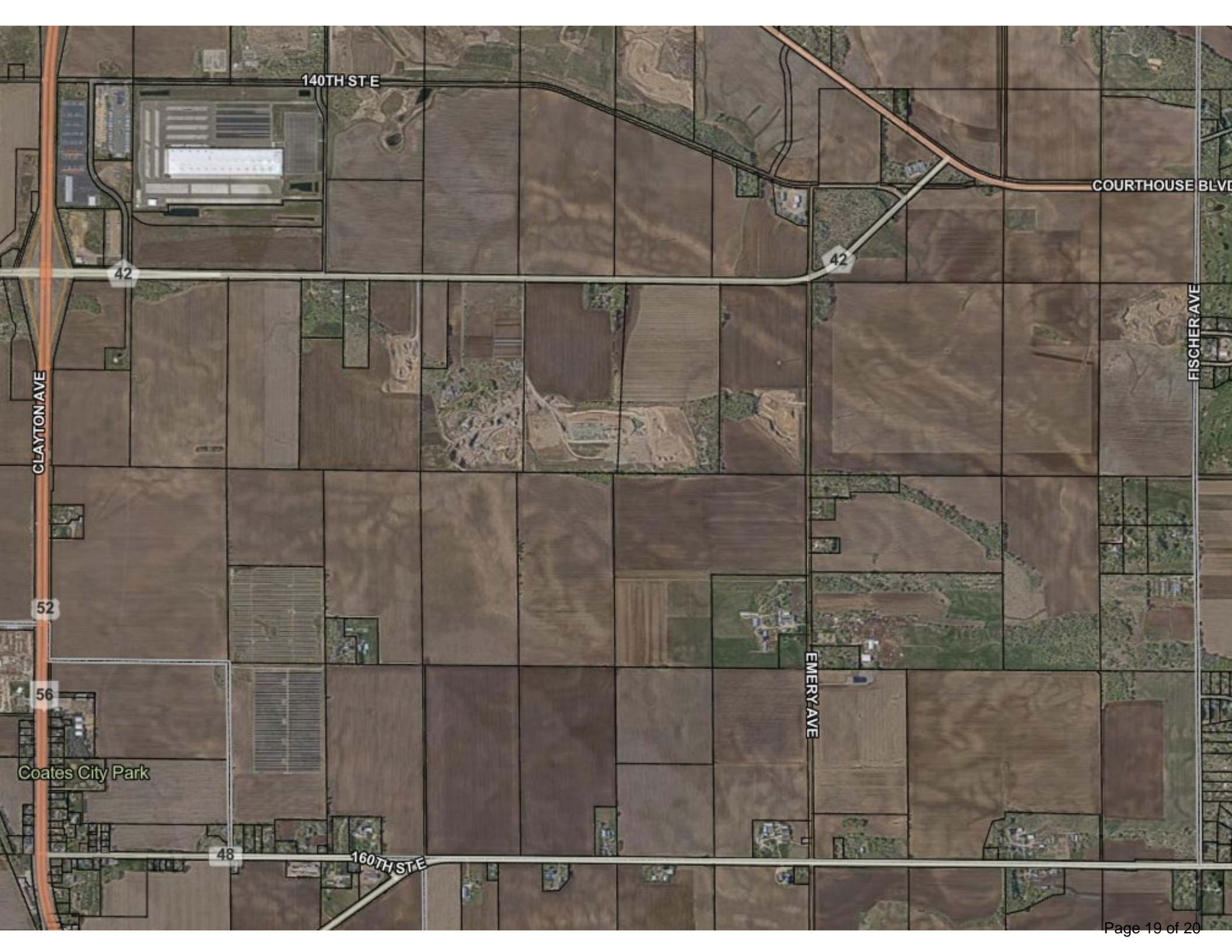
Based on the foregoing, the Applicant's application for a Variance is approved.

Passed and duly adopted this 7th day of January 2026, by the Board of Appeals and Adjustments of the City of Rosemount, Minnesota.

Melissa Kenninger, Chair

ATTEST:

Liz Kohler
Community Development Technician



140TH ST E

COURTHOUSE BLVD

FISCHER AVE

EMERY AVE

CLAYTON AVE

Coates City Park

160TH ST E

42

42

52

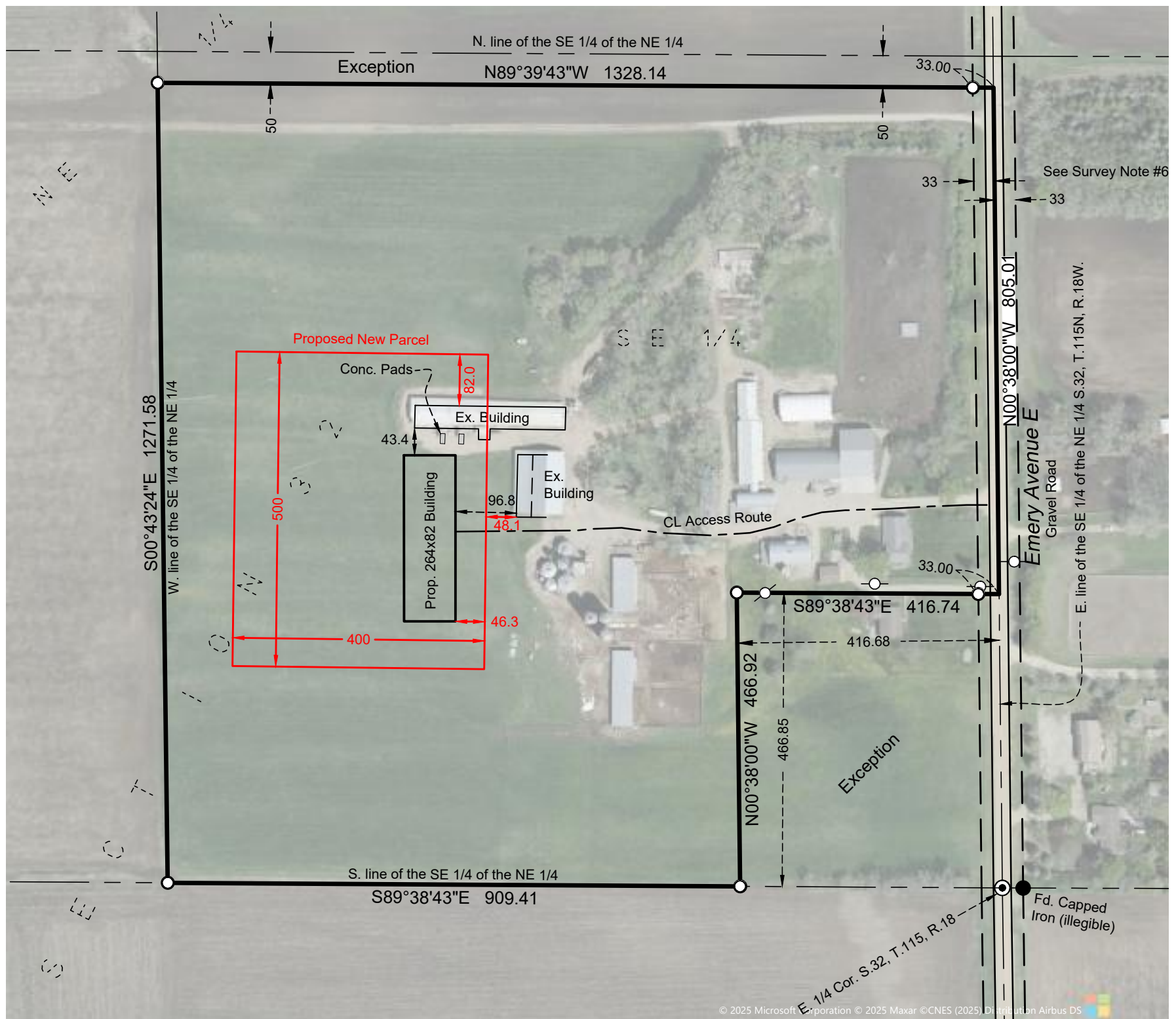
56

48

Certificate of Survey

Survey Prepared For: Greg, Sandra and Kevin Fox

Property Description: The Southeast Quarter of the Northeast Quarter of Section 32, Township 115 North, Range 18 West, Dakota County, Minnesota lying south of the north 50.00 feet thereof, EXCEPT the south 466.85 feet of the east 416.68 feet thereof, containing 34.28 acres more or less, according to the Government Survey thereof.

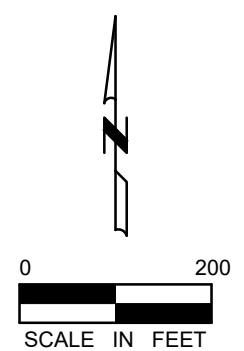


Notes

1. This Survey intends to show the boundaries of the above described property and the location of certain existing and proposed improvements thereon. It does not purport to show all improvements or encroachments. A Title Report was not furnished to the Surveyor in preparation of this survey. Additional encumbrances on the property may be disclosed by such a report.
2. Bearings shown on this survey are based on measurements made in the Dakota County Coordinate System, NAD83-1986. Measured bearings and distances are shown for the boundary. Where measured distances differ significantly from plat or record distances, the [plat] dimension is also shown.
3. Distances shown on this survey are expressed in feet and hundredths of a foot.
4. Parcel Area = 34.3 Acres
5. The site conditions shown on this survey are representative of the existing conditions on the date of last fieldwork: November 6, 2025.
6. The Right of Way for Emery Avenue is shown on various surveys in the area as 33 feet on either side of the Section Line, which is coincident with the centerline of the traveled road. The Surveyor contacted Dakota County and the City of Rosemount regarding the Right of Way. Neither entity had any information on the road. The Surveyor assumes the Right of Way is prescriptive in nature, and may or may not be 33 feet.

Legend

- Found Dakota County Cast Iron Monument
- To be Set 1/2" X 14" capped Iron Pipe Monument marked LS 48176.
- Utility Pole



LINDGREN
Land Surveying

PO Box 217
Chanassen, MN 55317
(952) 223-0063

I hereby certify that this survey, map, 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.

Signed: PRELIMINARY Date: January 6, 2026
Eric B. Lindgren, Land Surveyor
Minnesota License Number 48176

PROJ. NO.
27925R

SHEET
1 of 1

BOOK/PAGE
006/040

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