Town Council
Regular Meeting
Agenda Item 6.b.

Agenda Item: **Resolution 26-G-39 to consider a Special Exception, SE #26-02, 1001 Jeff Ryan Drive, to consider a special exception to permit a home-based child daycare use within the R-10, Residential single-family district**

Meeting Date: June 23, 2026

Category: Public Hearings

Prepared by: David Stromberg, Zoning Administrator

Description:
The applicant seeks approval of a Special Exception to increase the maximum number of children permitted in their home-based childcare business from seven (7) to twelve (12). Under the regulations of the Virginia Office of Child Care Health and Safety, a licensed Family Day Home may care for up to twelve (12) children, exclusive of the provider's own children and any children residing in the home, within a single-family dwelling. The Town of Herndon Zoning Ordinance allows a maximum of seven (7) children, exclusive of the provider's own children and resident children, with approval of a Zoning Inspection Permit. Care for up to twelve (12) children is permitted with approval of a Special Exception.

The home-based childcare operation is proposed to take place in the basement level of the dwelling, within an area of approximately 1,103 square feet. Access to the childcare area will be provided through the main entrance of the home, with internal stairs leading to the basement.

The proposed hours of operation are 7:00 a.m. to 6:00 p.m., Monday through Friday, with children potentially attending during a morning session (7:00 a.m. to noon) and/or an afternoon/after-school session (noon to 6:00 p.m.) in order to accommodate families with diverse scheduling needs.

Background/Timing Impact:
The applicant previously applied for and received approval of a Zoning Inspection Permit (ZIP #25-058) to operate a child daycare use as a home-based business with a maximum enrollment of seven clients per day at the subject property. Zoning Inspection Permit ZIP #25-058 was temporarily revoked in April after it was discovered the applicant was not living at 1001 Jeff Ryan full time, which is a violation of the zoning requirements for home-based businesses. The zoning Inspection Permit has since been reissued.

This application was first heard at the April 27, 2026 Planning Commission regular meeting. Concerns were raised because two of the perimeter fence panels were damaged and covered with tarps from a recent car accident. There was also concern because of a letter the applicant previously submitted to the Department of Public Works – Engineering where the applicant stated her belief that the property was unsafe and that the town should construct a fence on the property. Following a recommendation from staff, the Planning Commission continued this item to the May 18, 2026 regular meeting. Staff revised the conditions to include a secondary fence to ensure the play area for the daycare was located away from the perimeter of the property. During the meeting, the applicant proposed a specific area to install the secondary fence. This drawing is included in the resolution for approval passed by the Planning Commission.

Timing Impact:
If approved with the recommended conditions, the secondary fence will need to be installed prior to the daycare expanding to 12 children enrolled per day.

Strategic Focus Area:
Environmental and Economic Sustainability

Fiscal Impact:
BPOL (business, professional, occupational, and license) fees can be collected on home-based businesses.

Legal Impact:
Approval of this special exception and compliance with the conditions will allow the applicant to operate a home-based daycare with a maximum of 12 clients enrolled per day. If denied, the applicant will still be able to operate a home-based daycare with a maximum of 7 clients enrolled per day.

Staff Recommendation/Next Steps:
Approve Special Exception SE #26-02 with the 7 conditions as written in the attached resolution.

Attachments:
1. Staff Report
2. Resolution (Proposed)
3. May 18 2026 PC Resolution Approved with Diagram
4. Description of Business
5. Floor plan
6. Legal Ad