STAFF REPORT

Agenda Item: **Application for a Special Exception, SE #26-02, 1001 Jeff Ryan Drive, to permit a home-based child daycare use.**

Meeting Date: **June 23, 2026**

Staff Contact: David Stromberg, AICP, Zoning Administrator
david.stromberg@herndon-va.gov (703) 787-7380

Summary Information:

Proposed Modification	This application is to consider a special exception to increase the number of children enrolled per day at a home-based child daycare from 7 to 12, to increase the number of off-site employees from one to two, and to increase the allowable area of a home-based business beyond 1,000 square feet.
Address	1001 Jeff Ryan Drive
Fairfax County Tax Map Number	0103 14 0073
Owners	Sarita Del Pilar Abad Moretti
Applicant	Sarita Del Pilar Abad Moretti
Business/Organization	Baby Buu Daycare LLC
Property Use	Residential
Zoning District	R-10, Residential District
Lot Size	21,625 square feet
Building Size	2,859 square feet of gross floor area 484 square feet attached garage
Adjacent Zoning	North, South, East, West: R-10 – Single Family Detached.
Date of Construction:	1981
Comprehensive Plan Land Use Designation	Neighborhood Conservation

Location Map and Site Description:



The subject property is located at the intersection of Herndon Parkway and Sterling Road in the Treeside development. The property is designated Neighborhood Conservation in the Town of Herndon 2030 Comprehensive Plan[1]. This designation reflects the Town's intent to preserve and enhance the established character and quality of existing residential neighborhoods while allowing limited, compatible uses.

The property is zoned R-10 (Residential) and consists of an approximately 21,625-square-foot lot developed with a single-family dwelling containing approximately 1,728 square feet of above-grade living area. The access to the dwelling is on a cul-de-sac. The R-10 district is characterized by a coordinated mix of residential housing types intended to promote cohesive neighborhoods with access to shared amenities.

Background:

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 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.

<u>Planning Commission Regular Meetings</u>

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.

Case Details & Proposal:
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.

Proposed Operations:

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 basement includes one bathroom and a kitchen. At this time, Ms. Moretti is the sole primary caregiver and plans to work with two assistants.

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.

Staff Analysis:

<u>Zoning Ordinance Compliance</u>

The Zoning Ordinance allows home-based daycare for up to twelve (12) children with two non-resident employees with the approval of a Special Exception. The proposed use will continue to operate under its existing conditions with respect to the space occupied by the business, facilities provided, and overall operations. The exterior appearance of the building will remain unchanged.

Special exceptions may be approved provided they comply with the following standards. Staff evaluated the criteria for review of special exceptions found in Zoning Ordinance Section 78-155.3(e):

Criteria from Section 78-155.3(e)(1)	Meets/ Does Not Meet	Why the application meets or does not meet the criteria of Section 78-155.3(e)
a. Is consistent with the Comprehensive Plan.	Meets	The Comprehensive Plan Land Use Section provides policies for provision of goods and services to the local community and positive economic benefits of new businesses. The proposed uses will be in conformance with the comprehensive plan policies.
b. Is free of conflict with any provision of this chapter and related regulations or any other applicable local, state, or federal laws and regulations.	Meets	The proposed special exception uses are provisioned with the base zoning district and do not create any substantial conflicts with other regulatory requirements. The use and business operations will be conditioned to ensure the use continually meets the purpose and intent of the Planned Development, Residential Zoning District.
c. Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.	Meets with conditions	The proposed uses are generally compatible with the site / neighborhood. The proposed conditions will limit the impact to parking and vehicle trips by restricting maximum number of clients.
d. Consistent with the purpose and intent of the zoning district in which it is located or will improve compatibility among uses and will ensure efficient development within the Town.	Meets	The proposed conditions will remain compatible with the intent of the uses of the R-10 residential district.
e. Minimizes adverse visual impact of the proposed use on adjacent lands.	Meets	The proposed conditions will not generate visual changes to the site.
g. Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance.	Meets with conditions	Staff recommended conditions to limit the distribution of customers to prevent negative impacts to parking, drop-off/pickup, and noise.
h. Avoids significant adverse impacts on the property values of surrounding lands or substantially and permanently injures the use of neighboring property for those uses that are permitted in the zoning district.	Meets with conditions	The proposed use has virtually no external impacts and provides a needed community service.
i. Does not significantly and adversely impact the natural environment, including but not limited to, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.	Meets	The proposed conditions will not involve any expansion of floor area or conversion of pervious area to impervious area.

Criteria (f) and (j) – (m) were found to be not applicable to the analysis because there are no physical alterations to the structure proposed and the building is not located within the floodplain overlay.

Furthermore, section 78-155.3(f)(3) clarifies that in the case of a childcare center or daycare center, an associated special exception shall not run with the land and shall be subject to the requirements of section 78-155.3(f)(3) Approval linked to owner of property, not land. In addition to these standards, the zoning ordinance has established additional standards for childcare or daycare uses as a home-based business. These standards, identified in section 78-80.5 (b), provide the requirements for all home-based businesses.

Home-based business, childcare or daycare – Additional standards. In addition to the standards set forth in Section 78-80.5, home-based childcare or daycare uses are subject to additional requirements under the Herndon Zoning Ordinance. The proposed application complies with the applicable standards regarding the number of children served and the number of non-resident employees. Pursuant to Section 78-80.5, home-based childcare operations are permitted by right with one (1) nonresident employee. The applicant is requesting approval to exceed this threshold and employ up to two (2) nonresident employees. While the zoning ordinance permits up to two non-resident employees in by-right home-based businesses that are not daycares, having more than one nonresident employee in a home-based daycare crosses the threshold to require special exception review. Accordingly, staff recommends that the Planning Commission considers the request to allow a maximum of two (2) nonresident employees as part of this home-based childcare operation, as proposed.

Play area. The proposed application satisfies the minimum requirement of 75 square feet of outdoor play area per child enrolled in the childcare business. A plan demonstrating the designated outdoor play area, which is fully enclosed by a fence to ensure safety, was submitted with the application. This plan was updated by the applicant during the Planning Commission public hearing to include a secondary, interior fence to keep the children away from the perimeter of the property.

Comprehensive Plan Adherence

The proposal is consistent with the Herndon 2030 Comprehensive Plan Neighborhood Conservation Land Use Policies and encourages uses that provide a variety of goods and services as well as promoting economic development that helps increase employment and add to the community tax base.

Parking

The zoning ordinance does not require additional parking for a home-based daycare or any other home-based business.

Analysis of Conditions

Staff are recommending seven conditions for this special exception.

1. Substantial Conformity. Substantial conformance with the submitted application and plan submitted by the applicant on February 25, 2026, and as amended below, and for the purpose of a daycare use only.
2. Hours of Operation. The permitted hours of operation shall be no earlier than 6:00 a.m. and no later than 9:00 p.m. Monday through Friday.
3. Number of Permitted Children. The total number of children present on site for home-based child daycare use shall not exceed 12 enrolled children per day. The ratio of employees to children as required by the Commonwealth of Virginia shall be maintained.
4. On-site Play Area. The applicant shall install a second, permanent fence in accordance with the diagram drawn by the applicants, showing the fenced area in orange, reviewed and approved by the zoning administrator prior to fence installation. When playing outside, all children shall be within the inner fenced playground area.
5. Child Drop-off and Pickup. Child drop-off and pickup are preferred to occur in the driveway. Double parking on Jeff Ryan Drive is prohibited.
6. Employees and Parking. The home-based child daycare shall be limited to a maximum of two (2) non-resident employees. Employees shall not park in the driveway.
7. Signage. No signage shall be permitted.

Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h).

Fiscal Impact:

The Town can collect taxes from home-based businesses.

Town Council Alternatives:

The following alternatives are available to the Town Council SE #26-02:

1. Approve the application without conditions
2. Approve the application with the 7 conditions
3. Deny the application
4. Continue the application to the July 28, 2026 regular meeting

Staff Recommendation:

Staff recommends the Town Council approve the application with the 7 conditions.