TOWN OF Herndon VIRGINIA

Town Council Regular Meeting
Agenda Item 6.a.

Agenda Item: **Resolution 26-G-41 to approve Special Exception – SE #26-03, 310 Missouri Avenue, to permit a home-based daycare use within the R-10, Residential Single-Family District**

Meeting Date: July 28, 2026

Category: Public Hearings

Prepared by: Aaron Zoellick, Zoning Services Specialist

Description:

Proposed Modification	This is an application for a special exception to permit a home-based child daycare with a maximum of 12 children enrolled, operating from 6:00 a.m. to 10:00 p.m.
Address	310 Missouri Avenue
Fairfax County Tax Map Number	0162 18110009
Owner(s)	Barbara Lopez Otero, Justin A. Portillo-Lopez
Applicant(s)	Barbara Lopez Otero
Business/Organization	Kemberly's Home Daycare LLC
Property Use	Residential
Zoning District	R-10, Residential Single-Family
Lot Size	11,572 square feet
Building Size	2,432 square feet of above-grade living area

Adjacent Zoning	North: R-10	South: R-10
	East: PD-R	West: R-10
Date of Construction	1968	
Comprehensive Plan Land Use Designation	Neighborhood Conservation	

Background/Timing Impact:
The applicant currently operates a home-based daycare for up to seven children under Zoning Inspection Permit (ZIP) #26-013. The applicant's request for a special exception to allow up to 12 children to be enrolled in the home-based daycare was presented to the Planning Commission during their June 8, 2026, work session and June 22, 2026, regular meeting. The Planning Commission recommended approval of the special exception, with conditions.

Strategic Focus Area:
Environmental and Economic Sustainability
Thriving Community

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

Legal Impact:
Code of Virginia Sec. 15.2-2310 and Herndon Town Code Sec. 78-155.3 outline the requirements of applications for special exceptions. If approved, the 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 seven clients enrolled per day.

Staff Recommendation/Next Steps:
Approve Special Exception SE #26-03, with the seven conditions, as written in the attached resolution.

Attachments:
1. Resolution (Proposed)
2. Staff Report
3. Special Exception Criteria Matrix
4. Pre-Application Materials
5. Pre-Application Summary Notes

6. Legal Ad
7. Presentation