STAFF REPORT

Agenda Item: Special Exception – SE #26-04, 865 3rd Street - Application to Permit a Home-Based Business not Consistent with the Standards Set Forth in Sec. 78-80.5 – Standards for Home-Businesses as Accessory Uses

Meeting Date: July 28, 2026

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Site Description & Background:



865 3rd Street is located on the southeast corner of the intersection of 3rd Street and Monroe Street. The property's designation as Neighborhood Conservation in the Town of Herndon 2030 Comprehensive Plan reflects the Town's intent to preserve and enhance the established character and quality of existing residential neighborhoods while allowing limited, compatible accessory residential uses. The regulations of the R-15 district are "meant to encourage uses that would substantially complement the development of single-family detached dwellings and that would contribute to the quiet residential nature of the district." Sec. 78-30.1(a).

The applicant currently provides robotics and coding lessons to their own children and a few classmates. The applicant is requesting a special exception to allow up to 10 children per session and to offer time-intensive lessons, up to six hours per day, during the summer.

Case Details & Proposed Operations:

The applicant seeks a special exception to increase the maximum number of children permitted in their home-based business from three to 10. The proposed use will operate one weekday evening and from 9:30 a.m. to 11:30 a.m. on Sundays during the school year. A more intensive one-week program may be offered during the summer, with lessons lasting up to six hours.

The coding and robotics lessons are proposed to take place primarily on the basement level of the dwelling, which has an area of approximately 1,300 square feet. The lessons will be offered in the den, which has an area of approximately 267 square feet. Access to the area will be through the walkout basement entrance. The basement level includes one bathroom. The applicant and one other instructor will be on-site for each instructional session. Parents will drop off the students and return at the end of the lesson to pick them up.

The exterior appearance of the building will remain unchanged. No additional impervious area or land disturbance is proposed.

Staff Analysis:

Zoning Ordinance Compliance

The zoning ordinance establishes general standards for home-based businesses. Sec. 78-80.5(a). The standards are intended to balance the interests of home-based businesses with considerations related to traffic management, neighborhood compatibility, and adherence with applicable zoning and planning regulations. Town Council has the authority to approve a home-based business that is not consistent with the standards. Sec. 78-80.5(c).

Floor Area – Sec. 78-80.5(a)(3) of the zoning ordinance requires that "a home-based business shall occupy no more than 33 percent of the floor area of the principal dwelling, up to a maximum of 1,000 square feet…." Lessons are proposed to take place in the basement den, which is approximately 267 square feet. The proposed operation complies with the standards.

Nonresident employees - The zoning ordinance permits no more than two nonresident employees or associates of the home-based business. Sec. 78-80.5(a)(11)(a). The proposed operation complies with the standards, with the applicant and one other instructor on site for lessons.

Customers or Clients – The zoning ordinance permits "[u]p to three customers or clients at the site for no more than two consecutive hours per day." Sec. 78-80.5(a)(11)(b). The zoning ordinance further limits the number of arrivals per day to "[n]o more than four arrivals of nonresident persons who are employees, clients, customers, or associates of the home-based business" during any 24-hour period. Sec.

78-80.5(a)(11)(c). The applicant wishes to have up to 10 students per class with an option for multiple sessions during certain days of the week, as well as the proposed six hour sessions during the summer. While this use is not a childcare business, it should be noted that childcare home-based businesses are allowed up to 15 arrivals per day by-right. Sec. 78-80.5(c). The proposed operation does not comply with the standards. Town Council approval is necessary in accordance with Sec. 78-80.5(c).

Sec. 78-155.3(e) Criteria – Staff evaluated the criteria for review of special exceptions found in Zoning Ordinance Sec. 78-155.3(e). Criteria (a)–(e), and (g)–(i) were found to be applicable to the analysis. 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. The proposed application meets six of the eight relevant criteria. Staff believes that the remaining criteria can be met with appropriate conditions. A complete review of the criteria is available in the Sec. 78-155.3(e) Criteria Matrix.

Parking – The zoning ordinance does not require additional parking for a home-based business.

Comprehensive Plan – 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 promotes economic development that helps increase employment and add to the community tax base.

Analysis of Conditions

Staff recommend six conditions for this special exception. The conditions are consistent with previously approved special exceptions for home-based business daycares, which have similar operational characteristics as the current application. Staff believes these conditions provide reasonable ways in which the proposed use can operate while properly mitigating potential impacts, as well as achieving the purpose and intent of the applicable zoning district.

There was discussion during the June 8, 2026, Planning Commission work session and the June 22, 2026, Planning Commission regular meeting regarding Condition 2(e). The condition is drafted to capture the applicant's proposed lesson schedule while still: (1) providing flexibility as the availability of the applicant or clients may change; and (2) allowing the home-based business to grow while still maintaining the character of the R-15 zoning district.

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 Sec. 78-155.3(h).

Fiscal Impact:

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

Town Council Alternatives:

The following alternatives are available to the Town Council for its decision on SE #26-04:

1. Approve the application without conditions.
2. Approve the application with the six conditions.
3. Deny the application.
4. Continue the application to the August 25, 2026, regular meeting.

Staff Recommendation:

Staff recommends the Town Council approve the application with the six conditions listed in the proposed resolution.