Planning Commission
Regular Meeting
Agenda Item 4.c.

Agenda Item: **Application for 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 (continued from April 27, 2026)**

Meeting Date: May 18, 2026

Category: Public Hearings

Prepared by: David Stromberg, Zoning Administrator

Description:
This special exception application is a request to allow a home-based business daycare, which was continued from the April 27, 2026, meeting. Home-based business uses, including daycare, are allowed as an accessory use to residential primary uses, provided they comply with the provisions of Section 78-80.5 of the Herndon Zoning Ordinance. A home-based business, including a daycare, is allowed by-right (reviewed administratively by staff) if it complies with the following:

1. The number of clients (children, not including the providers' own children) does not exceed seven per day.
2. The number of off-site employees does not exceed one.
3. The area of the home-based business does not exceed 33 percent of the principal dwelling, up to a maximum of 1,000 square feet.
4. The hours of operation are between 6 AM and 9 PM.
5. For daycare, there is an outdoor play area of at least 75 square feet per child.
6. Outdoor play areas must be enclosed by a fence of at least four feet, unless the applicant can demonstrate that the area provides adequate protection from traffic, neighboring yards or other hazards.

If an applicant is requesting to deviate from the above standards, they may do so by submitting a special exception application for greater review by the Planning Commission and Town Council. In this instance, the applicant is requesting to deviate from the following three standards:

1. Requesting to have 12 clients (children) enrolled per day.
2. Increase the area of the home-based business beyond 1,000 square feet to 1,103 square feet.
3. Have up to two off-site employees per day.

Staff has revised the language of Condition "d" based on feedback from the Planning Commission:

- "On-Site Play Area. The applicant shall install a second, permanent fence at least 50 feet away from the property boundaries abutting Herndon Parkway and Sterling Road. When playing outside all children shall be within the inner fenced playground area."

Background/Timing Impact:
During the April 13 and May 4, 2026, work sessions, several Planning Commissioners raised concerns about the safety of the property as a daycare due to the fact that sections of the perimeter fence were missing and covered with a tarp. The applicant has since repaired the fence. The Commission recommended requiring a second fence as a condition of approval for the expansion of this daycare, to ensure the outdoor play area is located away from the boundaries of the property. A resolution requiring a second fence is included as an option for the Planning Commission.

After the April 13, 2026, work session, staff became aware of a complaint submitted by the applicant to the traffic engineering department where the applicant alleged that the property is unsafe due to traffic accidents at that intersection. This complaint was provided to the Planning Commission. The applicant should state at the public hearing whether or not she believes this to be an unsafe property.

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

Legal Impact:
The Planning Commission may recommend conditional approval based on the standards of Section 78-155.3(e), Review Standards for Special Exceptions, of the Herndon Zoning Ordinance.

Staff Recommendation/Next Steps:
Staff recommends the Planning Commission recommend approval of the proposed resolution with the fence condition, in accordance with Resolution B.

Attachments:
1. Draft Resolution A Approval (Proposed)
2. Draft Resolution B Approval with Fence (Proposed)
3. Draft Resolution C Denial (Proposed)
4. Description of Business
5. Floor plan
6. Property Distances
7. Fence Image 1
8. Fence Image 2

9. Legal Ad