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: **April 27, 2026**

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Summary Information:

Proposed Modification	This application is to consider a special exception to permit a home-based child daycare use within the R-10, residential zoning district. The proposed use will provide care for a maximum of 12 children enrolled.
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:



Background & Site Description:

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. ZIP #25-058 was issued on December 11, 2025, and no complaints have been submitted to the Town regarding the daycare.

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.

The Neighborhood Conservation land use designation emphasizes compatibility with surrounding residential uses. The property's location at the intersection of Herndon Parkway and Sterling Road provides convenient access for families utilizing the

[1] Herndon 2030 Comprehensive Plan. https://www.herndon-va.gov/home/showpublisheddocument/17554/638247637418370000

childcare service while maintaining the residential character of the neighborhood. The Town's zoning ordinance standards are intended to balance the provision of childcare services with considerations related to traffic management, neighborhood compatibility, and adherence with applicable zoning and planning regulations.

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:

Zoning Ordinance Compliance

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.
f. Contributes to a logical and orderly development pattern consistent with accepted or emerging planning practices.	Not Applicable	No physical alterations of the structure are expected and thus not subject to this criterion.
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.
j. Results in development that is adequately served by transportation facilities, including whether or not a substantial deterioration of	Not Applicable	No physical alterations of the structure are expected and thus not subject to this criterion.

the level of service on the Town's transportation network would occur and whether or not the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions on and around the site.		
k. Results in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities).	Not Applicable	No physical alterations of the structure are expected and thus not subject to this criterion.
l. If infill and redevelopment is consistent with the redevelopment criteria and other applicable guidelines as stated in the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as amended.	Not Applicable	No physical alterations of the structure are expected and thus not subject to this criterion.
m. If located in the floodplain overlay district, meets floodplain overlay standards.	Not Applicable	The building is not located within the FPO.

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.

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. However, the number of employees shall comply with applicable Commonwealth of Virginia licensing requirements.

Analysis of Conditions

Staff are recommending seven conditions for this special exception, listed in the following conditions analysis table, consistent with previously approved special exceptions. Staff believe these conditions provide reasonable ways in which the existing childcare use can be expanded while properly mitigating potential impacts, as well as achieving the purpose and intent of the applicable zoning district.

#	Condition	Covered by language in the Zoning Code	Reason for Condition
1	Substantial conformance with the submitted application and plan submitted by applicant on February 25, 2026, and for the purpose of daycare use only.	No	The site shall be developed and maintained in substantial conformance with a submitted special exception plan that is 33 percent or less of the gross floor area and in conformance with section 78-80.5 of the zoning ordinance
2	Hours of Operation	Yes	6 a.m. until 9:00 p.m., in conformance with section 78-80.5 of the zoning ordinance
3	Number of Permitted Children	No	The total number of children present on site for home-based child daycare use shall not exceed 12 enrolled. The ratio of employees to children as required by the state shall be maintained.
4	On-Site play area	No	When playing outside all children shall be within the fenced playground area.
5	Child Drop-off and Pick-up.	No	Child drop-off and pick-up are preferred to occur in the driveway. Double parking on Jeff Ryan Drive is prohibited.
6	Employees and Parking	No	Employees shall not park in the driveway.
7	Signage.	No	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.

Planning Commission Alternatives:

The following alternatives are available to the Planning Commission for its recommendation to the Town Council on SE #26-02:

1. Recommendation for approval.
2. Recommendation for denial. The daycare continues its operations with seven children as a by-right use.
3. Continuance of the application to May 18, 2026.

Staff Recommendation:

Staff recommends that the Planning Commission continue the application to the May 18, 2026, regular meeting.