Planning Commission Work Session
Agenda Item 2.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 4, 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 businesses, 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 does not exceed 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 application, 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.

A home-based business is defined as, "A business that is conducted (i) within a dwelling unit which is the principal and bona fide residence of the practitioner or practitioners of the business and (ii) in accordance with the provisions of Article VII, Use Regulations."

A home-based daycare is defined as, "A dwelling in which a permanent occupant of the dwelling provides for the care of up to five children or adults, in accordance with the provisions for home-based businesses in Article VII, Use Regulations. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults, and do not reside on the site."

Background/Timing Impact:
During the work session on April 13, 2026, several Planning Commissioners raised concerns regarding 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. Some commissioners requested staff examine adding a condition that would require the play area be located away from the rear of the property, which abuts Sterling Road and Herndon Parkway, and nearer to the house, possibly through an additional barrier.

Subsequent to the work session, staff became aware of a complaint submitted by the applicant to the traffic engineering department where the applicant alleges the property is unsafe due to traffic accidents at that intersection. This complaint was provided to the Planning Commission. Staff recommended continuing this item at the April 27, 2026, public hearing to more thoroughly vet the accuracy of information regarding this application.

Also on April 27, 2026, staff sent a letter to the applicant revoking Zoning Inspection Permit ZIP #25-058, due to the fact the applicant was not residing full time at the property. This issue is not directly related to the Planning Commission's review of the special exception. Approval of this special exception would not relieve the requirement of being a bona fide resident, as is required for all home-based businesses.

Fiscal Impact:
Taxes can be collected on home-based businesses.

Legal Impact:
This special exception can only make modifications as outlined in Section 78-80.5(c). Approval of this special exception would not relieve the requirement of being a bona fide resident, as is required for all home-based businesses.

Staff Recommendation/Next Steps:
Staff is withholding recommendation until there is greater clarity regarding the facts of the case.

Attachments:

1. 1001 Jeff Ryan Dr SE26-02 Plan and Plat
2. 1001 Jeff Ryan Drive Complaint