



PLANNING COMMISSION WORK SESSION AGENDA

Herndon Council Chambers Building
765 Lynn Street, Herndon, VA 20170

Monday, June 8, 2026 | 7:00 PM

1. Call to Order

2. Public Hearings

- a. SPECIAL EXCEPTION – SE #26-03, 310 Missouri Avenue, to consider a special exception to permit a home-based daycare use within the R-10, Residential Single-Family District.
- b. SPECIAL EXCEPTION – SE #26-04, 865 3rd Street, to consider a special exception to permit a home-based business use within the R-15, Residential Single-Family District.

3. Comments

- a. Comments from the Staff Members
- b. Comments from the Commissioners

4. Adjournment

Agenda Item: SPECIAL EXCEPTION – SE #26-03, 310 Missouri Avenue, to consider a special exception to permit a home-based daycare use within the R-10, Residential Single-Family District.

Meeting Date: June 8, 2026

Category: Public Hearings

Prepared by: Aaron Zoellick, Zoning Services Specialist

Description:

This is an application for a special exception to permit a home-based child daycare use within the R-10, residential single-family district. The proposed use will increase the maximum number of children enrolled per day from 7 to 12, and expand the hours of operation to 6:00 a.m. to 10:00 p.m. The 11,572 square-foot lot is located on Missouri Avenue between Stuart Court and Mississippi Drive.

Background/Timing Impact:

The applicant currently operates a home-based daycare for up to 7 children under Zoning Inspection Permits (ZIP) #26-008 and #26-013.

Fiscal Impact:

N/A

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Withholding a recommendation pending additional information from the applicant and input from the Planning Commission.

Attachments:

1. SE #26-03 Staff Report
2. 310 Missouri Avenue, Barbara Lopez Otero - Daycare (4-23-26 Pre-Appl)
3. 310 Missouri Avenue-pre-application summary notes

STAFF REPORT

Agenda Item: Special Exception – SE #26-03, 310 Missouri Ave- Application to Permit a Home-Based Child Daycare Use

Meeting Date: June 8, 2026

Staff Contact: Aaron Zoellick, Zoning Services Specialist
aaron.zoellick@herndon-va.gov (703) 787-7380
 David Stromberg, AICP, Zoning Administrator
david.stromberg@herndon-va.gov (703) 787-7380

Summary Information:

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 Ave
Fairfax County Tax Map Number	0162 18110009
Owners	Barbara Lopez Otero, Justin A. Portillo-Lopez
Applicant	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, South, West: R-10 Residential Single-Family East: PD-R, Planned Development Residential
Date of Construction:	1969
Comprehensive Plan Land Use Designation	Neighborhood Conservation

Background & Site Description:

310 Missouri Avenue is located between the east end of Mississippi Drive and Stuart Court.

The applicant applied and received approvals for Zoning Inspection Permit (ZIP) #26-008 and Zoning Inspection Permit (ZIP) #26-013 to operate a child daycare use as a home-based business with a maximum enrollment of seven clients at the subject

**Staff Report – SE #26-03, 310 Missouri Ave
Planning Commission Work Session – June 8, 2026**

property. ZIP #26-008 was issued on September 22, 2025. ZIP #26-013 was issued on March 13, 2026. No complaints have been submitted to the town regarding the daycare.

The regulations of the R-10 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. 78-30.2(a).



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 residential uses. The property’s proximity to Herndon Parkway provides convenient access for families utilizing the childcare service while maintaining the residential character of the neighborhood.

Case Details & Proposed Operations:

The applicant seeks a Special Exception to increase the maximum number of children permitted in their home-based childcare business from seven (7) to twelve (12). The proposed use will operate between 6:00 a.m. and 10:00 p.m., Monday through Friday, with staggered pick-up and drop-off schedules to accommodate families with varying needs. Most children attend during a day session (approximately 7:00 a.m. to 5:00 p.m.). The applicant is requesting extended hours for the option of providing after-school and evening care.

The home-based childcare operation is proposed to take place primarily on the first level of the dwelling, within a dedicated area of approximately 265 square feet. Access to the childcare area will be through the main entrance. The first level includes one bathroom and a kitchen. The fenced rear yard of the property is approximately 5,500

**Staff Report – SE #26-03, 310 Missouri Ave
 Planning Commission Work Session – June 8, 2026**

square feet. At this time, Ms. Lopez-Otero is the sole employee of the childcare operation with her son providing assistance.

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. No additional impervious area or land disturbance is proposed.

Staff Analysis:

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.

Zoning Ordinance Compliance

The Zoning Ordinance has established additional standards for all home-based businesses. Sec. 78-80.5. 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. 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 Section 78-155.3(e)(1)	Assessment	Reasoning
a.	Is consistent with the Comprehensive Plan.	Meets	The proposed use will be in conformance with the Comprehensive Plan policies on provision of good and services to the local community and positive economic benefits of new businesses.
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 R-10, Residential Single-Family zoning district.

**Staff Report – SE #26-03, 310 Missouri Ave
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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 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.
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	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.

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 Zoning Ordinance has also established standards for childcare or daycare uses as a home-based business. Sec. 78-80.5(b). The application complies with the requirements concerning the number of children and non-resident employees. Sec. 78-80.5(b)(1)&(2). The proposed application satisfies the minimum requirement of 75 square feet of outdoor play area per child enrolled in the childcare business. Sec. 78-80.5(b)(3). The applicant was not able to provide a plat demonstrating outdoor play area, as required by the Zoning Ordinance. Sec. 78-80.5(b)(3)(c). In lieu of a plat, a site visit was performed on May 20, 2026. The property is less than 1000 feet from Haley M.

**Staff Report – SE #26-03, 310 Missouri Ave
Planning Commission Work Session – June 8, 2026**

Smith Park which further supports the requirement for available play area. Sec. 78-80.5(b)(3)(d).

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 promotes 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.

Analysis of Conditions

Staff are recommending six 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.

1. 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 in conformance with Section 78-80.5 of the zoning ordinance.
2. The hours of operation are permitted to extend from 6:00 a.m. to 10:00 p.m.
3. The total number of children present on site for the home-based child daycare use shall not exceed 12 enrolled. The state-required ratio of employees to children shall be maintained.
4. All children enrolled in the daycare shall be within the fenced playground area when playing outside.
5. Child drop-off and pick-up shall be limited to the driveway or curb directly in front of the residence.
6. 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:

None

Planning Commission Alternatives:

The following alternatives are available to the Planning Commission for its decision on SE #26-03:

1. Recommendation for approval.
2. Recommendation for denial. The daycare continues its operations with seven children as a by-right use.
3. Continuance to the July 27, 2026, Planning Commission regular meeting.

Staff Recommendation:

Withholding a recommendation pending additional information from the applicant and input from the Planning Commission.

FOR OFFICE USE Date Received:	_____
Date & Time of Meeting:	_____
Pre-Application #:	_____

PRE-APPLICATION CONFERENCE REQUEST FORM

Department of Community Development

Submission Date: 03/30/2026
Project Name: Barbara Lopez Otero
Project Address: 310 Missouri Ave Herndon VA 20170
Project Contact: (571) 707 1324
Mailing Address: 310 Missouri Ave Herndon VA 20170
Phone: (571) 707-1324 Email: Barbylopez25673@gmail.com

Current Zoning: _____
Current or Previous Land Use: _____
Proposed Land Use: On the first level of the house's entrance.

- Applications to be submitted (check all that may apply):
- Special Exception
 - Zoning Map Amendment
 - Proffer Condition Amendment
 - HTOC Development Plan
 - Other

*Note: If planning to submit a **by-right site or subdivision plan or plat**, there is a separate pre-application conference form that must be submitted. Those conferences are administered by the Department of Public Works and the conference form is available online.*

Brief description of project to be discussed at pre-application conference:

I would like to obtain a permit for a home-based daycare.
I have a permit for seven children, but I would like to obtain a permit for twelve children.
Specific issues or questions related to the project you would like discussed at the conference:
About Home daycare.

****In addition to this form, pre-application requests should include conceptual plans, drawings, and any other supporting documents that will help the town best understand the project and provide the best possible feedback.**

****Completed forms with all supporting materials must be submitted electronically and list all expected pre-application attendees' name, titles, relation and email to the project must be provided at the time of pre-application request submission. (See form on next page)**

****For questions, further information, and to submit the request, contact Lisa Webster at lisa.webster@herndon-va.gov or 703.787.7380.**

Commonwealth of Virginia

DEPARTMENT OF EDUCATION



CONDITIONAL LICENSE FAMILY DAY HOME

Issued to: Barbara Lopez Otero, d.b.a. Kemberly's Home Daycare LLC

Address: 310 Missouri Avenue, Herndon, Virginia 20170

This **CONDITIONAL** license is issued in accordance with provisions of Chapter 14.1, Title 22.1, Code of Virginia and other relevant laws, the regulations of the State Board of Education, and the specific limitations prescribed by the Superintendent of Public Instruction, as follows:

<u>CAPACITY</u>	
<u>AGE</u>	7
	2 months through 12 years

- This conditional license is issued to allow for the licensee to demonstrate compliance with sections of the standards, which could not be determined, because the facility is not yet fully operational.
- This conditional license is issued because the licensee is temporarily unable to comply with the following section(s) of standards: 8V.AC20-800-(11)-760-A

This license is not transferable and will be in effect 03/23/2026 through 09/22/2026 unless revoked for violations of the provisions of law or failure to comply with the limitations stated above.

ISSUING OFFICE:
Virginia Department of Education
Office of Child Care Health and Safety (Region)
PO Box 2120
Richmond, Virginia 23218
Email Address: fairfax.clicensing@doe.virginia.gov

FDH-1111099
LICENSE NUMBER

JENNA CONWAY
SUPERINTENDENT OF PUBLIC INSTRUCTION

By Nancy Radcliffe Digitally signed by Nancy Radcliffe
Date: 2026.03.24 20:37:16 -0400

Title NANCY RADCLIFFE
LICENSING ADMINISTRATOR

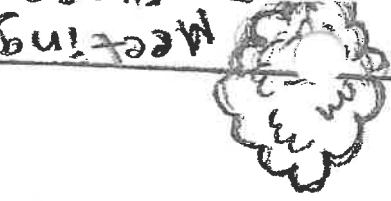
Date March 24, 2026

Family Escape Plan

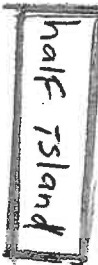
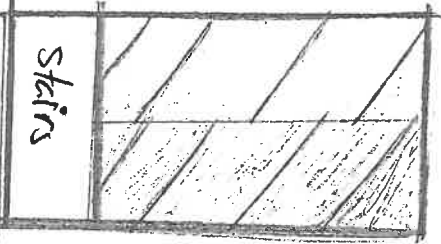
Day Care

11.4 x 23.3

= 265 SQFT

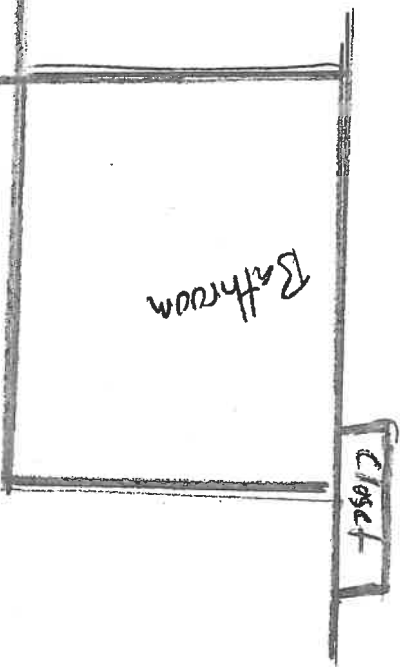


Living Room
11.4 x 18.2
= 207 SQFT



Dining Room
14 x 11.6
= 162 SQFT

Kitchen
11.4 x 14
= 159.6 SQFT



Bathroom

Closet

Closet

Exit

Front Yard

Exit

Backyard

Exit











ZIP 226-013

Zoning Inspection Permit

Home-Based Businesses

Instructions: Complete this form and submit to community.development@herndon-va.gov or in person at 777 Lynn Street, 2nd Floor, Herndon, VA 20170. Typed signatures will be accepted. Please also submit the application fee in accordance with the fee schedule on our forms and fees page or TABLE 78-152.2(b)(3): FEES FOR DEVELOPMENT APPLICATIONS in the Town Code.

The undersigned certifies that all information in this application is true and correct and that the requirements of this application have been read and are understood.

Home Based Business Information

Name of Home-Based Business: Kemberly Home Daycare LLC
Name of Business Owner: Barbara Lopez Otero
Business Street Address: 310 Missouri Ave Herndon VA 20170
Business Phone Number: 571 707 1324 Business Email: Barbylopez5673@gmail.com
Business Website: Total floor area used by this business: SF

Business Description

Describe: The type of products, merchandise, or services the business will provide.
Attach: Pictures or catalog representations of the product or merchandise for sale.

Are client visits scheduled by appointment? [X] No [] Yes
Is this a home-based daycare? [] No [X] Yes* *If yes, number of children 4
Do you have any company vehicles? [X] No [] Yes* *If yes, list quantity and type below:
Will you receive deliveries after normal business hours? [X] No [] Yes **If yes, please explain below

*Restrictions occur between 10PM-7AM

Applicant Signature

I hereby certify that I have authority of the owner or agent to make this application, that the information is complete, and that if a permit is issued the construction and/or use will conform to the Zoning Ordinance, the Building Code, applicable laws and regulations including private building restrictions, if any, which relate to the property. I further certify that I have received and read the prohibited sign regulations.

Applicant Signature (REQUIRED) Barbara Lopez Otero
*A Typed Signature is acceptable

Applicant Name (PRINTED) Barbara Lopez Otero

Phone 571-707-1324 Email Barbylopez5673@gmail.com

Please see reverse side for Property Owner's Consent Certifications

Property Owner or Owner Agent Signature

I hereby authorize the home-based business as presented by the applicant to be conducted in conformance to the Section 78-80.5 of the Zoning Ordinance.

In lieu of having property owner sign, I as the applicant, have provided the front page and signature page of a legally executed lease.

Property Owner Signature (REQUIRED) Barbara Lopez Otero
*A Typed Signature is acceptable

Property Owner Name (PRINTED) Barbara Lopez Otero

Phone (571) 707 1324 Email Borbylopecs673@gmail.com

Note:

An approved inspection is required before a business license will be issued for the home-based business. Submission of photos or a videoconference may be allowed in lieu of an in-person visit, at the discretion of the Community Inspector.

Please contact the office for details at 703-787-7380

List of Prohibited Businesses

The on-site storage of explosives, hazardous and/or toxic materials; on-site services to clients other than by appointment; on-site sales of any goods other than by appointment; on-site restaurant or carry-out service; on-site repair or painting of motor or other vehicles; animal hospitals, kennels or any other business involving the on-site care or feeding of animals; boarding house or similar; mortuary or funeral home; a delivery service by which goods or other property to be delivered are stored or brought on-site; welding, machine shop, pipe fitting operation, or similar; rental of on-site equipment, goods or property; nursing home; small-scale alcohol production facility; similar uses to those above. The above businesses are a summary of Section 78-80.5(a)(2) and not a comprehensive list.

Zoning Administrator Decision



APPROVED



DENIED

Comments:

Signature of Zoning Administrator: [Signature] Date: 03/13/2026

Intake Notes—Office Use Only

Application Received By: [Signature] Date: 3/13/26 Fee Paid: \$50.00
Case Number: ZIP #26-013 Zoning District: R-10 Tax Map Number: 01621811009

Your EIN

<https://sa.www4.irs.gov/applyein/einAssignment>

11

3/5/26, 8:10 AM

IRS Apply for an Employer Identification Number (EIN) online

Your EIN Details

EIN assigned 41-4663936

Legal name KEMBERLYS HOME
DAYCARE LLC

Name control KEMB

Confirmation letter This confirmation letter is
your official IRS notice and
contains important
information regarding your
EIN:

[Download EIN
confirmation
letter \(PDF\)](#)

Summary of your information

Legal Structure

Organization Type SINGLE MEMBER LIMITED
LIABILITY COMPANY (LLC)

Limited Liability Company (LLC) Information

Legal name KEMBERLYS HOME
DAYCARE LLC

**Trade name/doing
business as** KEMBERLYS HOME
DAYCARE

County FAIRFAX

State/Territory

VA

CONTACT WITH LOCAL ZONING ADMINISTRATOR

THE FOLLOWING INDIVIDUAL PLANS TO SUBMIT AN APPLICATION FOR A LICENSE TO OPERATE A FAMILY DAY HOME PURSUANT TO §§ 22.1-289.02 and 22.1-289.011 OF THE CODE OF VIRGINIA

To Be Completed by Operator of Family Day Home

NAME OF APPLICANT Barbara Lopez Otero

PHYSICAL ADDRESS 310 Missouri Ave Herndon VA 20170
STREET OR ROUTE NO. CITY STATE ZIP
(571)

APPLICANT'S PHONE NO.: 707-1324 EMAIL ADDRESS: Barbylopez5673@gmail.com

THE HOME IS LOCATED IN THE COUNTY OR CITY OF Fairfax

APPLICANT IS REQUESTING A LICENSE TO CARE FOR THE FOLLOWING NUMBER OF CHILDREN (NOT INCLUDING CHILDREN WHO RESIDE IN THE HOME): 7

To Be Completed by Local Zoning Administrator

THE ZONING ADMINISTRATOR'S SIGNATURE ON THIS FORM VERIFIES THAT THE APPLICANT HAS INFORMED THE ZONING ADMINISTRATOR OF HIS/HER PLANS TO APPLY FOR A LICENSE TO OPERATE A FAMILY DAY HOME AT THE ADDRESS ABOVE.

Tax Map # <u>0162 18110009</u>	Parcel #	Zoning District <u>R-10</u>
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David Stromberg
Printed Name of Zoning Administrator

[Signature]
Signature of Zoning Administrator

2/12/2026
Date

Telephone Number: 703-787-7380

Email Address: community.development@herndon-va.gov

Comments: Maximum 7 clients

Town of Herndon
Department of Community Development
777 Lynn Street
Herndon, Virginia 20170-4602

2522
3/11/20

DATE

RECEIVED FROM Kemberly's Home Daycare DOLLARS 50.00
Fifty dollars 50.00

FOR

210 26-013

AMOUNT OF ACCOUNT	<u>50</u>	<input type="checkbox"/>	CASH
THIS PAYMENT		<input type="checkbox"/>	CHECK
BALANCE DUE		<input type="checkbox"/>	CREDIT CARD
		<input type="checkbox"/>	MONEY ORDER

BY

[Signature]

THANK YOU

RECEIPT

Printable page

MAP #: 0162 18110009
LOPEZ-OTERO BARBARA

310 MISSOURI AVE

Owner

Name	LOPEZ-OTERO BARBARA,
Mailing Address	310 MISSOURI AVE HERNDON VA 20170 5425
Book	28563
Page	1783

Co-Owners

PORTILLO-LOPEZ JUSTIN A

Parcel

Property Location	310 MISSOURI AVE HERNDON VA 20170 5425
Map #	0162 18110009
Tax District	H0000
District Name	DRANESVILLE TOWN OF HERNDON
Land Use Code	Single-family, Detached
Land Area (acreage)	
Land Area (SQFT)	11,572
Zoning Description	R-10(Res Single fam-10 Dist)
Utilities	WATER CONNECTED SEWER CONNECTED GAS CONNECTED
County Inventory of Historic Sites	NO
County Historic Overlay District	NO
	For further information about the Fairfax County Historic Overlay Districts, CLICK HERE
	For properties within the towns of Herndon, Vienna or Clifton please contact the town to determine if the property is within a town historic district.
Street/Road	PAVED
Site Description	BUILDABLE-AVERAGE LOT

Stub Number

411380402

Legal Description

Printable page

MAP #: 0162 18110009
 LOPEZ-OTERO BARBARA

310 MISSOURI AVE

Stub Number

411380402

Summary of 2025 Taxes

Year	General Fund Net Taxes	Special Tax District	Service Charges	Interest	Penalty	Other Charges	Amount Paid	Balance Due
2025 1ST HALF DUE	\$3,438.89	\$929.81	\$0.00	\$0.00	\$0.00	\$0.00	-\$4,368.70	\$0.00
2025 2ND HALF DUE	\$3,438.89	\$929.79	\$0.00	\$0.00	\$0.00	\$0.00	-\$4,368.68	\$0.00
Total:	\$6,877.78	\$1,859.60	\$0.00	\$0.00	\$0.00	\$0.00	-\$8,737.38	\$0.00

Prepays and Refunds

Prepays	\$0.00
Pending Refunds	\$0.00
GRAND TOTAL	\$0.00

Special tax districts include levies for pest infestation control (i.e. gypsy moth, mosquitoes), Community Center taxes, and Transportation Districts. For more information see <http://www.fairfaxcounty.gov/taxes/real-estate/tax-rates>.

Source: Fairfax County Department
 of Tax Administration, Real Estate Division.

April 30, 2026

RE: Summary notes for 310 Missouri Avenue, (Home Daycare-12 children)

Date of Meeting: April 23, 2026

Time: 2:00pm

Location: HMC Large Conference Room

Attendees:

Town Staff:

Community Development Department

- Ben Schitter, Development Program Planner, Aaron Zoellick, Zoning Services Specialist, and Lisa Webster, Administrative Assistant

Department of Public Works

- Mike Farr, Utility Manager

Applicant:

- Barbara Lopez Otero
 - Carla Falconi (interpreter)
-
-

**** NOTE **** *The information provided herein is intended to be a general summary of the information discussed in the pre-application meeting for this project and may not address all aspects of the project. Please be advised that any information provided both herein or in the meeting does not relieve the owner/applicant from the obligation to comply with any applicable codes or regulations. If there is a conflict between the information provided herein and any applicable code or regulation, the code or regulation will govern. If a conflict is identified with town code, a formal waiver must be submitted to the town and approved prior to site plan approval. The information herein does not imply that a waiver would be supported by staff, unless specifically stated, nor does it guarantee approval by the Director.*

Project Description

Proposed 12 children for home daycare with hours of operation from 6:00am to 10:00pm located at 310 Missouri Avenue.

Applicant Comments:

none

Community Development Comments:

Ben Schitter and Aaron Zoellick:

Emails: ben.schitter@herndon-va.gov; aaron.zoellick@herndon-va.gov

- The Special Exception cannot move forward if there are any open building permits
- A plat of the property needs to be submitted with the application
- Any home-based business shall occupy no more than 33 percent of the floor area, up to a total maximum floor area of 1,000 square feet on any one property
- One nonresident employee or associate of the home-based daycare is permitted between the hours of 6:00 a.m. and 9:00 p.m.
- Seventy-five square feet of outdoor play area must be provided on site per child enrolled in the daycare
- Outdoor play area must be enclosed by a fence with a minimum height of four feet
 - Requirements for an on-site outdoor play area may be waived when the applicant can demonstrate the home care service is located within 1,000 feet of an existing suitable play area, such as a park

Public Works Department/Building Inspections/Utilities Comments:

Mike Farr

Email: mike.farr@herndon-va.gov

- Trash and Recycle collection cannot exceed the cart capacity
- Trash and Recycle collection requires the use of Town of Herndon provided carts (note the Town only provided one cart for each collection type)
- Trash and Recycle carts cannot be used for any other purpose
- If needed an additional cart can be purchased through the town, here is a link to the application <https://www.herndon-va.gov/home/showpublisheddocument/16960/638083396809770000> .
- Note the maximum allowed number of carts. The request can be done in person at the second-floor counter of the HMC.

Action Items

1. If a plat is not available, provide pictures of the property. Specifically, the outdoor space that would be available for the customers.
2. Complete application must be submitted by May 8 in order to get the Special Exception on the agenda for the June Planning Commission meetings.

Agenda Item: SPECIAL EXCEPTION – SE #26-04, 865 3rd Street, to consider a special exception to permit a home-based business use within the R-15, Residential Single-Family District.

Meeting Date: June 8, 2026

Category: Public Hearings

Prepared by: Aaron Zoellick, Zoning Services Specialist

Description:

This is an application for a home-based instructional program for robotics and coding within the R-15, residential single-family district. The proposed use will increase the maximum number of customers allowed at the site from three to ten. The 20,038 square-foot lot is located on the southeast corner of the intersection of 3rd Street and Monroe Street.

Background/Timing Impact:

The applicant currently provides STEM tutoring to their own children and a few classmates. They have established a partnership with Fairfax County Public Schools and are seeking to expand the operation. The applicant hopes to offer a summer program.

Fiscal Impact:

The business will generate minor fees to include the business license fee and a one-time zoning inspection permit fee.

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Withholding a recommendation pending additional information from the applicant and input from the Planning Commission.

Attachments:

1. SE# 26-04 Staff Report
2. Operational Document - Robotics Classes Special Exception
3. Explanation Letter
4. 865 3rd street Herndon floor plan

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: June 8, 2026

Staff Contact: Aaron Zoellick, Zoning Services Specialist
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 David Stromberg, AICP, Zoning Administrator
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Summary Information:

Proposed Modification	This is an application for a special exception to permit a home-based instructional program for robotics and coding.
Address	865 3 rd Street
Fairfax County Tax Map Number	0104 03080005
Owners	Farrokh Mansouri, Ekaterina Mansouri
Applicant	Ekaterina Mansouri
Business/Organization	Launch Hub Learning LLC https://www.launchhublearning.com/
Property Use	Residential
Zoning District	R-15, Residential Single-Family
Lot Size	20,038 square feet
Building Size	3,464 square feet of above-grade living area
Adjacent Zoning	North, East, West: R-15 Residential Single-Family South: R-15 Residential Single-Family
Date of Construction:	2004
Comprehensive Plan Land Use Designation	Neighborhood Conservation

Background & Site Description:

865 3rd Street is located on the southeast corner of the intersection of 3rd Street and Monroe Street. The applicant currently provides the lessons to their own children and a few classmates. They are seeking the special exception so that they can offer the lessons to more children and operate this use as a business.

Sec. 78-80.5(c) permits the Town Council to approve a home-based business that is not consistent with the standards set forth in the zoning ordinance for home-based

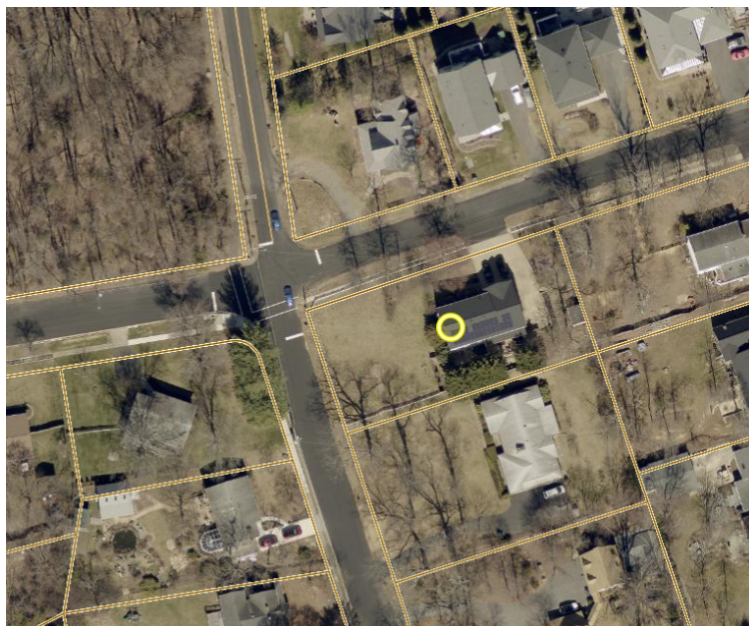
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business. The zoning ordinance permits no more than three customers or clients at the site for no more than two consecutive hours per day. Sec. 78-50(a)(11)(b). Additionally, the zoning ordinance limits the number of arrivals per day to no more than four 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. While this use is not a childcare business, it should be noted that childcare home-based businesses are allowed up to 12 arrivals per day by-right.

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.

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 such as home-based businesses.



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 home-based business is 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

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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:

The Town of Herndon Zoning Ordinance sets standards for by-right (administratively approvable) home-based businesses. A maximum of three clients on site for no more than two consecutive hours per day is the limit for by-right home-based businesses. Sec. 78-80.5(a)(11)(b). These standards can be amended by Town Council on a case-by-case basis through the special exception process.

Zoning Ordinance Compliance

Sec. 78-80.5. The Town’s Zoning Ordinance 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. 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 Section 78-155.3(e)(1)	Assessment	Reasoning
a.	Is consistent with the Comprehensive Plan.	Meets	The proposed use will be in conformance with the Comprehensive Plan policies on provision of goods and services to the local community and positive economic benefits of new businesses.
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 R-15 Residential Single-Family 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 per session.

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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-15 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.
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	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.

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.

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 promotes 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 business.

Analysis of Conditions

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Staff is currently recommending 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. Additional conditions may be presented at the June 22, 2026, Planning Commission regular meeting based on information provided by the applicant and Planning Commission input.

1. 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. The maximum number of clients per session shall not exceed 10.
3. Child drop-off and pick-up shall be limited to the driveway.
4. One employee shall be present in the driveway to direct children from the vehicle to the home at drop-off and from the home to the vehicle at pick-up.
5. There shall be a one-hour gap between the end of one session and the beginning of another session offered on the same day.
6. 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 Sec. 78-155.3(h).

Fiscal Impact:

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

Planning Commission Alternatives:

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

1. Recommend approval.
2. Recommend denial.
3. Continuance to the July 27, 2026, Planning Commission regular meeting.

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Staff Recommendation:

The Planning Commission may consider recommending approval of SE #26-04 to the Town Council with conditions.

Operational Statement: Special Exception Application

To: Town of Herndon Department of Community Development

Subject: Operational Plan for Home-Based Robotics and Coding Instruction - Launch Hub LLC

1. Overview of Proposed Use

The applicant, operating as **Launch Hub LLC**, a registered limited liability company, proposes to utilize a dedicated basement area of the residence for the purpose of providing educational instruction in Robotics and Computer Coding. Launch Hub LLC is an approved educational partner with Fairfax County Public Schools (FCPS). The primary objective of this program is to foster STEM (Science, Technology, Engineering, and Math) skills within the local youth community through structured weekend and evening sessions.

2. Operational Schedule

Instructional activities are designed to minimize neighborhood impact by primarily operating during non-peak business hours:

- **Standard Weekly Classes:** Sessions will be held during weekday evenings and throughout the day on Saturdays and Sundays. Each standard session will have a duration of exactly one (1) hour.
- **Summer Program (Limited):** Occasionally, the facility may host an intensive summer program. This program would involve longer instructional periods of up to six (6) hours per day.
- **Summer Frequency Constraints:** The extended summer program will be strictly limited to a maximum of three (3) weeks per calendar year. The applicant acknowledges that if any proposed summer program falls outside of the allowed limits set by the Town of Herndon, it will not be held at this location.

3. Instruction and Supervision

To ensure a high-quality educational environment and maintain the highest safety standards:

- **Staffing:** There will consistently be two (2) adults present during all instructional sessions (the primary instructor plus one additional adult instructor).
- **Professional Standards:** All instructors are covered by comprehensive professional liability insurance and undergo background checks.
- **Class Size:** Each group will consist of no more than ten (10) children per session, maintaining a 5:1 student-to-teacher ratio.

4. Parking and Traffic Mitigation

The applicant has developed a traffic management plan to prevent street congestion and ensure

the safety of students and neighbors:

Feature	Capacity/Procedure
Driveway Capacity	The existing driveway can accommodate up to seven (7) cars simultaneously.
Traffic Flow	Parents will drop off students and return for pick-up at the conclusion of the session.
Mitigation Strategy	With a maximum of 10 students and a 7-car driveway capacity, the impact on street parking will be negligible.

5. Compliance Statement

The applicant is committed to maintaining the residential character of the neighborhood. All activities will be conducted entirely within the basement level of the home. No external modifications or permanent signage are proposed. Launch Hub LLC will adhere to all local ordinances and conditions set forth by the Town of Herndon regarding this Special Exception.

Formal Letter of Intent: Special Exception Request

To the Town of Herndon Zoning Department:

I am writing to request a special exception for my home located at 865 3rd Street, Herndon, VA 20170.

This project began very personally: I started teaching robotics to my two daughters in our basement. As word got out, their interest grew into a small business, Launch Hub Learning LLC, which I now use to teach at various schools in the area.

While the business supports my daughters' passion for STEM, many of their friends attend different grades or schools where Launch Hub does not offer classes. These friends have asked to join my daughters so they can learn together. My goal is simply to host small lessons in my basement for my daughters and their peers to explore robotics and coding in a familiar, quiet setting.

I want to be very mindful of my neighbors and ensure this has a minimal footprint:

- **Parking & Traffic:** My driveway can accommodate up to six cars. Since the parents already know me, they will simply be dropping the kids off and picking them up two hours later—exactly like a typical playdate.
- **Environment:** This is a quiet, indoor activity held entirely within my home. There will be no outdoor noise, specialized equipment, or changes to the residential look of the property.

Ultimately, I want to create a space where my kids and their friends can continue to learn and grow together. Thank you so much for your time and for helping us with this request.

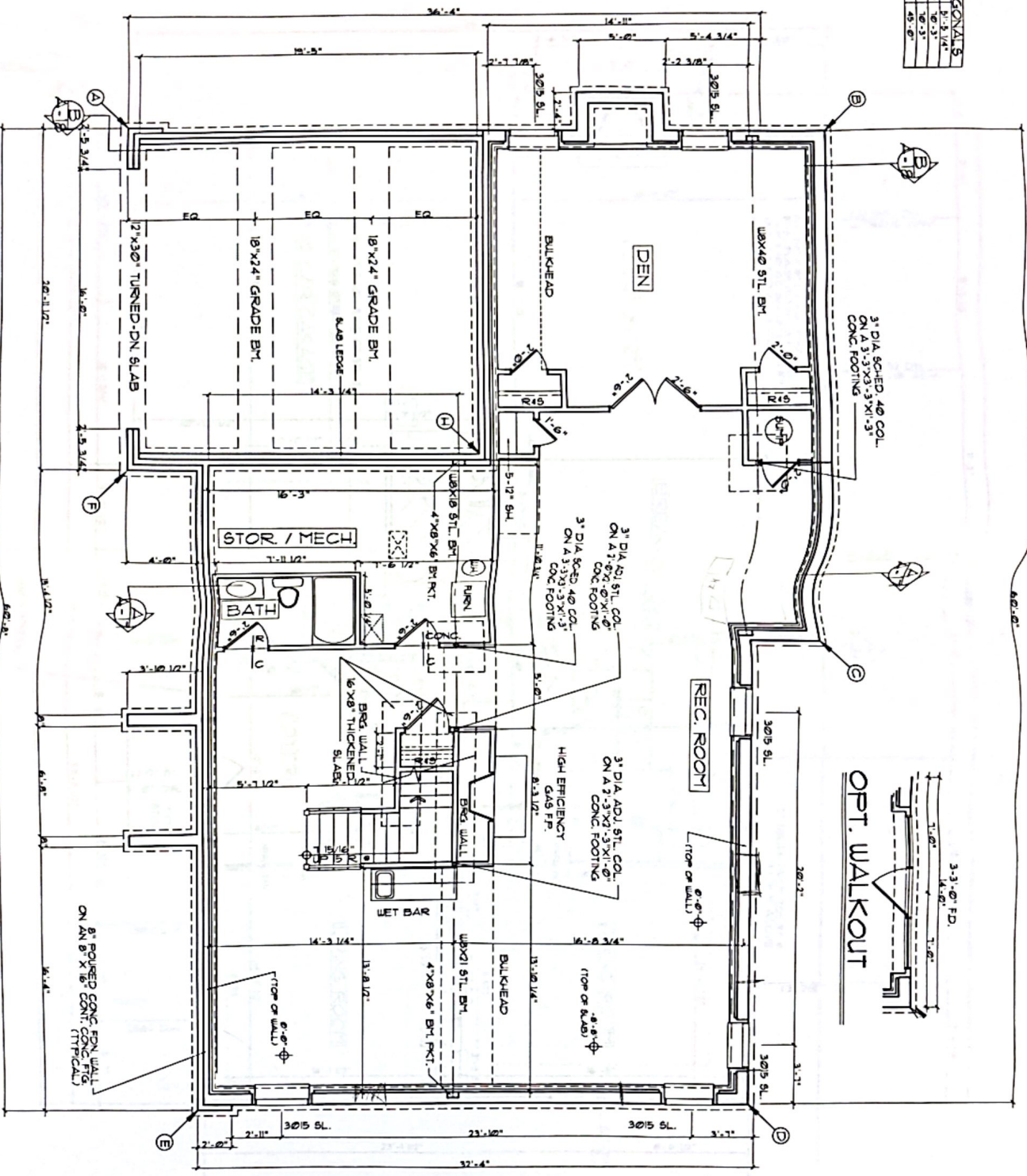
Sincerely,

Kate Mansouri Owner, Launch Hub Learning LLC



DIAGONALS
A TO G
B TO E
D TO F
E TO H

FDN. / BSMT. PLAN



A-1

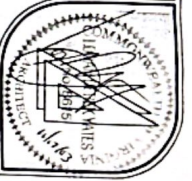
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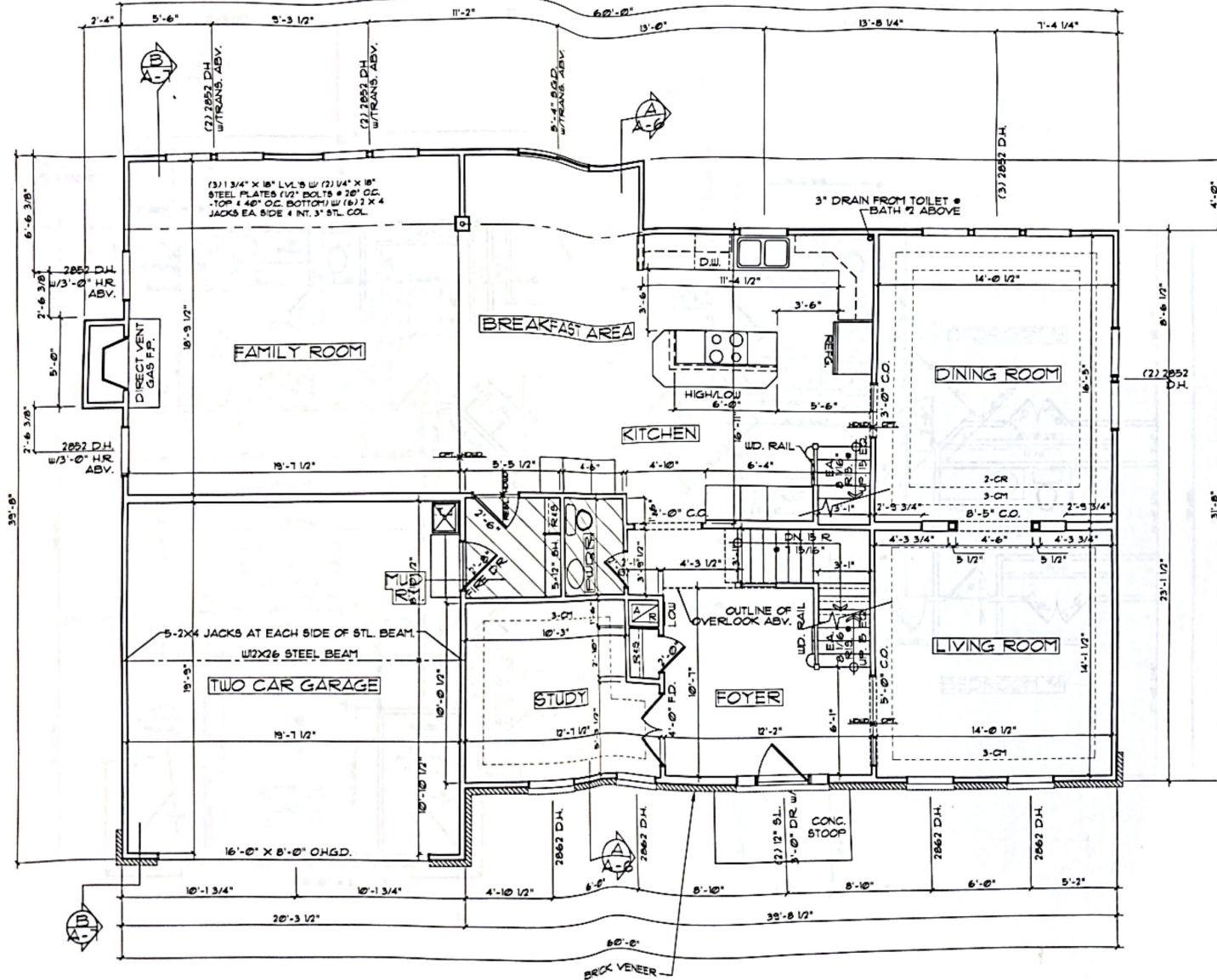
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SHEET TITLE	FDN./BSMT. PLAN
SCALE	1/4" = 1'-0"
DRAWN BY	LDY
ISSUE DATE	11/15/03
RE-ISSUE DATE	

REVISION LOG	
DATE	DESCRIPTION

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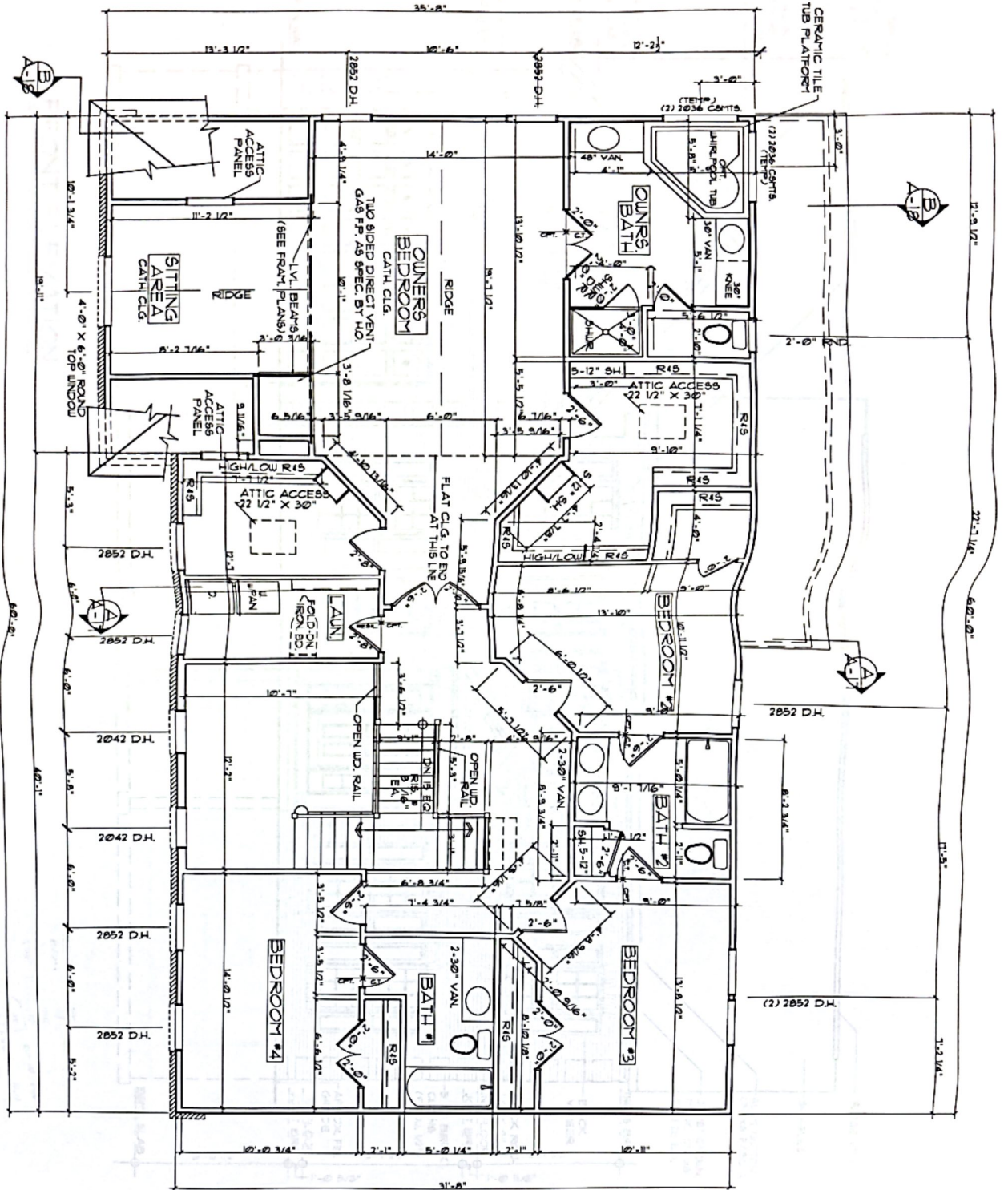
STONE RESIDENCE

REVISION LOG	DATE	DESCRIPTION

PROJECT NAME	STONE RESIDENCE
SHEET TITLE	FIRST FLOOR PLAN
SCALE	1/4" = 1'-0"
ISSUE DATE	11/15/03
DRAWN BY	LDY
RE-ISSUE DATE	

SHEET #
A-2

SECOND FLOOR PLAN



A-3

SHEET #

PROJECT NAME **STONE RESIDENCE**
 SHEET TITLE **SECOND FLOOR PLAN**
 SCALE **1/4" = 1'-0"** DRAWN BY **LDY**
 ISSUE DATE **11/15/03** RE-ISSUE DATE

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 DATE DESCRIPTION

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