




# STAFF REPORT COVER SHEET

January 21, 2026

<b>Address</b>	438-440 Mill St NE	<b>Case Number</b>	PF-1945127-CUP			
<b>Regular Meeting Date</b>	1/21/2026	<b>Applicant</b>	Brett Wilson, Elite Athletic Performance (EAP), LLC			
<b>Board/Commission</b>	Board of Zoning Appeals	<b>Owner</b>	Spir-Oh Associates LLC			
<b>Existing Zoning</b>	Mill District	<b>Existing Land Use</b>	Industrial			
<b>Brief Summary of Request</b>	<p>Request approval of a Conditional Use Permit (CUP) for private indoor recreational use at 432-436 Mill Street NE to include 438-440 Mill Street NE in the Mill District zone.</p> 					
<b>Site Improvements</b>	The subject property consists of a 10,061 square foot single-story, five-bay building with 51 parking spaces.					
<b>Size of Property</b>	22,659 sf					
<b>Public Notice Requirements:</b>	<ul style="list-style-type: none"> <li>• Staff posted a sign on the property on December 31, 2025, notifying the public of the Planning Commission and Board of Zoning Appeals meetings.</li> <li>• Postcards were sent to the surrounding property owners on January 7, 2026, and an email was sent to the applicant and property owner on January 2, 2026.</li> <li>• A letter was sent to the Fairfax County Department of Planning &amp; Development on December 31, 2025, notifying them of the proposed case and meeting dates for the Planning Commission and Board of Zoning Appeals.</li> <li>• Advertisement for two successive weeks, January 7, 2026, and January 14, 2026, in a newspaper having paid general circulation in the Town, The Washington Times, announcing the upcoming public hearing at Board of Zoning Appeals meeting.</li> </ul>					
<b>Official Submission Date for Approval:</b>	On December 4, 2025, the application was deemed by staff to be complete.					
<b>Deadline for Action:</b>	The BZA should take action by March 4, 2026, which is 90 days after the application was deemed complete. That date is directory, rather than mandatory; the Board does not lose jurisdiction to act after the time period has passed.					
<b>Brief Analysis</b>						
<p><b>PROPERTY HISTORY</b></p> <p>The subject property is a one-story building constructed in 1971. On July 24, 2015, the applicant received a Certificate of Occupancy to conduct fitness classes as a CrossFit gym at 432-436 Mill Street NE. No additional zoning or case history is associated with this property.</p> <p><b>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</b></p> <p>The location of the proposed CrossFit gym expansion is designated as Industrial on the Town's Comprehensive Plan Future Land Use Map (p. 38). The proposal is consistent with Land Use Objective 1, "Maintain the overall balance among residential, commercial, and industrial areas", which encourages development patterns that are in harmony with the Town's land use objectives (p. 39). Further, the Industrial land use category is home to "auxiliary commercial activities, such as restaurants, fitness centers, and retail, where they can be accommodated" (p. 30). Expanding a fitness center currently located within the Industrial future land use category is supported by the Comprehensive Plan.</p>						

**COMPATIBILITY WITH THE ZONING ORDINANCE**

Private indoor recreational uses, including fitness centers like CrossFit gyms, are permitted by Conditional Use under Section 18-304 of the Town of Vienna Zoning Ordinance. The applicant has operated the existing CrossFit gym at 432-436 Mill Street NE for over ten years and the Town has received no complaints or concerns from the community regarding its operations. Given the small scale of the operation and no significant changes to noise; traffic and parking; odors; trash and litter; and loading and unloading; the proposal meets ordinance standards for Conditional Uses. With approval of the Conditional Use Permit, the request is in conformance with the Town Code.

**Attachments:**

- 01 – Staff Report
- 02 – Application & Authorization Form
- 03 – Applicant Narrative
- 04 – Plat
- 05 – Floor Plan
- 06 – Photos – Interior and Exterior
- 07 – 432-436 Mill Street NE Certificate of Occupancy
- 08 – Relevant Regulations
- 09 – Notification Affidavit
- 10 – PC Chair Memo to BZA - 438-440 Mill St NE

**Author:**

Lyndsey Clouatre, Principal Planner

## I. BACKGROUND:

The subject property, located at 432-440 Mill Street NE, lies within the Mill District zoning district. The site is developed with a single-story building constructed in 1971. The building consists of five separate bays; 432 and 434 Mill Street have been combined into one space, 436 and 438 Mill Street are individual spaces that are accessible from 432 and 434 Mill Street, and 440 Mill Street is completely separated from the other bays. (See Attachment 05 for the floor plan for 432-440 Mill Street NE.) The property is surrounded to its northeast, northwest, and southeast by industrial and retail uses; and the W&OD Trail abuts it to its southwest.

A Certificate of Occupancy was issued on July 23, 2015 for 432-436 Mill Street NE to operate as a CrossFit gym. Under the Town's previous zoning ordinance, the subject property was located in the CM (Limited Industrial) zone, which permitted all uses allowed in the C-2, C-1, C-1A zones. "Recreation" was listed as a permitted use in the C-1 zone, with no conditional use requirement. As a result, the CrossFit gym originally received a Certificate of Occupancy as a permitted-by-right recreational use, consistent with the zoning structure in effect at that time.

With the adoption of the updated zoning ordinance in 2023, use categories were reorganized, and the former "Recreation" category was replaced with "Indoor Recreational Uses, Private." In the updated Principal Uses Table (Section 18-304), this type of use is now permitted only by Conditional Use in the Mill District. While the existing recreation use may continue under its prior approval, any expansion of the use, such as adding square footage or extending operating areas into additional units, constitutes an intensification of use under the current code and therefore requires a Conditional Use Permit before a new Certificate of Occupancy may be issued.

As shown in the Town's Comprehensive Plan Future Land Use Map (Figure 1), the property is designated as Industrial (p. 38). Mill Street NE has long been the home of many businesses and services that serve both light industrial and commercial needs, helping diversify the Town's tax base.

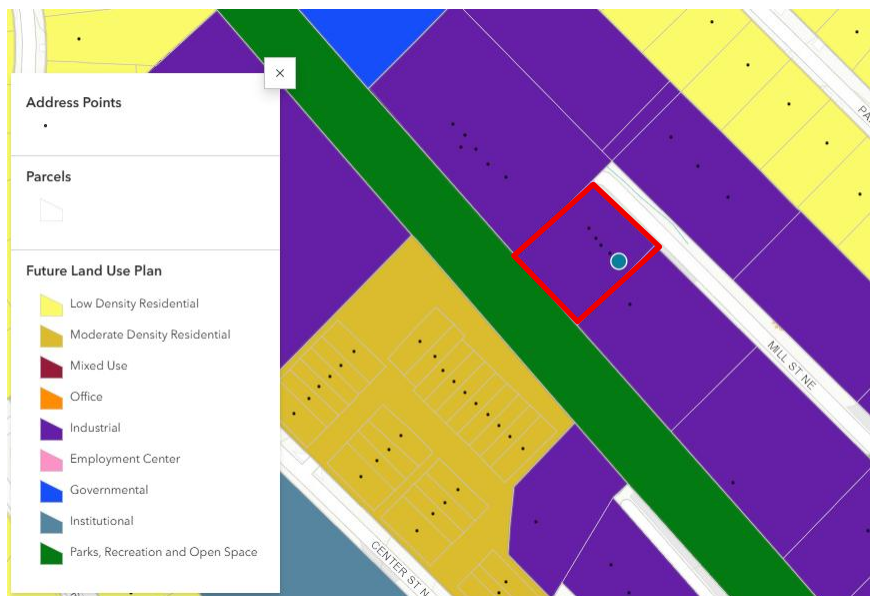


Figure 1: Town of Vienna Future Land Use Map. The subject property is indicated by the red outline.

Per the Town's Zoning Map (Figure 2), the property is located in the Mill District zone. The purpose of the Mill District is to provide standards for light industrial uses along the W&OD Railroad corridor, which allows private indoor recreational uses by conditional use per Section 18-304 of the Town Code. The entirety of the property is within the Town's Resource Management Area; the half of the property closest to Mill Street NE is within the 100' Resource Protection Area (RPA) while the portion immediately abutting Mill Street is within the 50' RPA.



Figure 2: Town of Vienna Zoning Map. The subject property is indicated by the red outline.

## II. PROPOSED USE

The applicant proposes to expand their existing CrossFit business currently permitted at 432-436 Mill Street NE into 438-440 Mill Street through obtaining a Conditional Use permit for the latter addresses. Private indoor recreational uses are allowed by Conditional Use under Section 18-304. Per the applicant's narrative, this space will primarily be used Monday-Friday from 5-7 PM while also providing occasional overflow capacity for the activities in 432-436 Mill Street NE throughout the day. It is expected to support 10-15 athletes and 1-2 instructors per hour while it is in use. The applicant does not anticipate any significant impacts on noise, odors, trash and litter, loading and unloading, and parking and stacking.

## III. STAFF ANALYSIS

### Town of Vienna 2015 Comprehensive Plan

The subject property is designated as Industrial in the Town of Vienna's 2015 Comprehensive Plan Future Land Use Map (p. 38). The proposed expansion of the existing CrossFit gym aligns with the Comprehensive Plan's vision to allow for compatible auxiliary commercial services within the Industrial land use category.

Specifically, the proposal supports:

- Land Use Objective 1: “Maintain the overall balance among residential, commercial, and industrial areas.” (p.39).

As the proposal seeks to expand the current fitness center use in the Industrial land use category, which is home to “auxiliary commercial activities, such as restaurants, fitness centers, and retail, where they can be accommodated” (p. 30), staff finds this proposal is supported by the Comprehensive Plan.

### **Town of Vienna Zoning Ordinance**

The property is zoned Mill District, where private indoor recreational uses are permitted through a Conditional Use Permit (Section 18-304). The proposal represents a continuation and expansion of an existing use and does not modify the building footprint or external operations. It is consistent with the intent of the Mill District to support light industrial and compatible commercial activities and meets the standards for Conditional Use Permit review, including the evaluation of compatibility with surrounding uses and the mitigation of potential impacts. Based on the applicant’s information and staff analysis, the proposed use complies with zoning requirements and maintains the character and operational scale of existing uses along Mill Street NE.

### **STAFF CONCLUSION**

Staff finds that the applicant’s request for a Conditional Use Permit so they may expand their existing CrossFit gym at 432-436 Mill Street NE into 428-440 Mill Street NE:

- Complies with the Town’s Comprehensive Plan by maintaining the balance in an industrial area, specifically by expanding an existing auxiliary commercial activity within the Industrial land use;
- Meets the standards for Conditional Use approval in accordance with sections 18-304 and 18-824 of the Zoning Ordinance;
- Does not introduce adverse impacts related to traffic, noise, parking, trash and litter, and odors; and
- Supports the Town’s goals related to resident wellness, small business growth, and economic development.

As such, staff recommends approval of the Conditional Use Permit request, subject to any conditions the Board of Zoning Appeals may deem appropriate to ensure continued compatibility with the surrounding residential neighborhood. At their January 14, 2025, meeting, the Planning Commission also unanimously voted to recommend approval of the Conditional Use Permit.

### **RECOMMENDED MOTION**

The Board of Zoning Appeals may use the language as follows, or other phrasing as they deem appropriate:

“I move to *approve/approve with conditions/deny* a Conditional Use Permit for a private indoor recreational use at 432-436 Mill Street NE to include 438-440 Mill Street NE, in the Mill District zoning district, described as tax map parcel 0382 02 0145.”