



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

December 07, 2011

CERTIFIED MAIL, RETURN RECEIPT REQUESTED # 7008130000090738086

James W. Barton
3412 Janet Road
Silver Spring, MD 20906-4048

Re: RZ 2004-PR-005 and SE 2004-PR-005

Dear Mr. Barton:

Reference is made to my letter dated October 14, 2011 notifying you of the intent of this office to dismiss the referenced application due to failure to prosecute the application.

The purpose of this letter is to notify you that, in my capacity as the duly authorized agent of the Zoning Administrator, the referenced application is hereby dismissed under the provisions of Section 18-209 of the Fairfax County Zoning Ordinance.

If you have any questions regarding this matter, please contact Regina Coyle at (703) 324-1290.

Sincerely,

Barbara C. Berlin, AICP, Director
Zoning Evaluation Division

cc: Linda Q. Smyth, Supervisor, Providence District
Kenneth A. Lawrence, Planning Commissioner, Providence District
Diane Johnson-Quinn, Deputy Zoning Administrator, ZAD, DPZ
Barbara Lippa, Executive Director, Planning Commission
Shahana Khan, Spatial Analyst, DIT-GIS
Robert Harrison, Administrative Assistant, ZED, DPZ
File: RZ 2004-PR-005 / SE 2004-PR-005

Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

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October 14, 2011

CERTIFIED MAIL, RETURN RECEIPT REQUESTED # 70081300000090738055

James W. Barton
3412 Janet Road
Silver Spring, MD 20906 4048
Re: RZ 2004-PR-005 and SE 2004-PR-005

Dear Mr. Barton:

The referenced Rezoning Applications were deferred indefinitely on March 01, 2010. Since that date, no additional action to prosecute the applications has occurred.

Section 18-209 of the Fairfax County Zoning Ordinance states that if an applicant neglects to prosecute an application, the Zoning Administrator may, not less than fifteen (15) days after notice of intention to do so, declare an application dismissed. This Section further states that notice by certified mail to the applicant at the last known address is deemed to be adequate notice. The Zoning Ordinance also states that if the application is dismissed, there shall be no refund of the filing fee.

As the duly authorized agent of the Zoning Administrator, you are hereby notified by this certified letter of my intent to dismiss this application, unless you respond in writing within twenty (20) days of the date of this letter stating your intent to pursue this application. Failure to respond within this time frame will result in RZ 2004-PR-005 and SE 2004-PR-005 being dismissed as of November 04, 2011.

Should you decide to reactivate the application, the application must be diligently prosecuted. If you have any questions, please contact Regina Coyle at (703) 324-1290.

Sincerely,

Barbara C. Berlin, AICP, Director
Zoning Evaluation Division

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