

HERSHEL AND DARLENE SPEARS
2215 SPRUCE CREEK LANE
NELLYSFORD, VA 22958

January 31, 2018

Nelson County Board of Zoning Appeals
c/o Sandy Shackelford, Zoning Director
P.O. Box 558
Lovingston, VA 22949

Re: Atlantic Coast Pipeline, LLC
Request for Floodplain Ordinance Variance #2018-002

Dear Ms. Shackelford and Members of the Board of Zoning Appeals:

On January 16, 2018, Atlantic Coast Pipeline, LLC (the Pipeline) submitted a request for multiple variance from the requirements of Article 10 of the Nelson County Zoning Ordinance. It proposes to construct a 42-inch-diameter natural gas pipeline through several properties in the County's Floodplain District. My husband and I own one of those properties located on Spruce Creek and designated as Variance # 2018-002 – 2215 Spruce Creek Lane, Nellysford, Virginia – owned by Hershel & Darlene Spears, and further identified as Tax Map #20-A-61.

Only certain entities may apply for a variance or special exception from a zoning ordinance enacted under Virginia Code Section 15.2-2880. Specifically, Virginia Code Section 15.2-231 provides that “[a]pplications for special exceptions and variances may be made by any property owner, tenant, government official, department, board or bureau.” The Pipeline is neither an owner nor a tenant of our property and its application for a variance on our property is therefore contrary to Virginia law.

This board lacks jurisdiction to consider the request, and we ask that you promptly dismiss this matter in accordance with Virginia Code Section 15.2-2310.

Respectfully submitted,

/s/Hershel Spears

Hershel Spears

/s/Darlene Spears

Darlene Spears

cc: David Shreve, Esquire