

February 2, 2018

Hazel Rhames Trust
Joe Rhames Trustee
2835 Penny Lane
Charlottesville, VA 22903

Nelson County Board of Zoning Appeals
c/o Sandy Shackelford, Zoning Director
80 Front Street
Post Office Box 558
Lovingston, Virginia 22949

**RE: Atlantic Coast Pipeline, LLC
Request for Floodplain Ordinance Variance**

On January 16, 2018, Atlantic Coast Pipeline, LLC, (the Pipeline) submitted a request for multiple variances 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. The Hazel Rhames Trust owns one of those properties, Tax Map #33-A-7A, located on Gulleysville Lane and mentioned in the Pipelines variance application #2018-005.

Only certain entities may apply for a variance or special exception from a zoning ordinance enacted under Virginia Code § 15.2-2280. Specifically, Virginia Code § 15.2-2310 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 the matter in accordance with Virginia Code § 15.2-2310.

Thank you,

Joseph Rhames

Copied: David W. Shreve
801 Seventh Street
Altavista, Virginia 24517
dwshrevelaw@comcast.net