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May 27, 2014

Ms. Emily Liu  
Dr. James Mims  
Jon Crumbie  
444 So Fifth Street  
Louisville, KY 40202

Re: AT&T Property at 409-411 Evergreen Road 13CUP1019

Dear Emily, Jim and Jon,

I represent the Evergreen Place Home Owners Association, Inc., residents of Parkway Road, and neighbors near the property known as 409-411 Evergreen Road. It is my understanding that AT&T has asked for a CUP to expand its parking lot on this property. My clients are strongly opposed to this application and will be present at the June 2 BOZA hearing. By the way, the agenda for that meeting has not yet been posted on-line.

This property is zoned R-4 single-family residential but is being used for a commercial purpose allowable only in C-2, C-3, C-M or EZ-1. It is my understanding that the property may be a nonconforming use since sometime in the 1950's. From the beginning and since that time, AT&T or its predecessors developed and used the property as a telephone exchange building with four to six employees to maintain the equipment. The Louisville Metro Land Development Code defines a "Telephone Exchange Building" as:

"A building and its equipment used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers"

Recently, however, this location has become a servicing facility for AT&T U-verse, a broadband television and internet service. A portion of the property is used for delivery and storage of supplies, parking of a fleet of some 40 installation and servicing trucks, and parking for two shifts of installation and service technicians. In fact, the proposed expansion of the parking lot seems to stem solely from the need caused by this broadband servicing facility.

If, in fact, the original use as a telephone exchange building is an allowable pre-existing nonconforming use, we believe that the expansion of the use of the property to a servicing facility for broadband products and installation is an illegal change in the

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nonconforming use. It is also an expansion which is not in the same or a more restrictive classification, which is more odious and offensive to surrounding properties than the previous nonconforming use, which changes the character of the neighborhood, which adds nuisances to surrounding properties and which lessens the value of surrounding properties. Therefore, we are asking you to inspect the premises for this violation. Accordingly, we would ask that any consideration of an expanded employee parking lot be postponed until a full investigation of the property use is completed. In addition, we would request to be included in any meetings or inspections concerning this expansion. My clients can provide multiple examples of the illegal use of this property and the detrimental effects it is having on their properties and the surrounding neighborhood.

Thank you for your consideration of this complaint and request.

Sincerely,

/s/

Stephen T. Porter

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