

May 11, 2023

Board of Park Commissioners
c/o Lisa Laschinger
330 E. Lakeside Street
Madison, WI 53715

Re: The North House at Thorstrand Estate
1908.74483

Dear Commissioners:

We represent the Polly O' Hare Revocable Living Trust dated November 28, 1990 (the "O'Hare Trust"). We provided a presentation to you on March 8, 2023, for information relating to the North House at Thorstrand Estate. At that meeting, the O'Hare Trust requested that the City consider engaging in negotiations to possibly amend its Ground Lease Agreement (the "Lease") for the reasons stated in our prior letter and presentation. We have included a copy of that letter for your reference and convenience.

At the March 8, 2023, meeting, the Board requested additional information as to whether there were uses of the property that would allow it to have more public access such as a coffee shop, restaurant, wedding venue, etc. We have met with Parks Department staff, consulted with Zoning Department staff, and asked the O'Hare family about past efforts to convert the North House to a commercial use.

There are many barriers to converting the North House from a residential home to a commercial use including:

- **Limited Access.** The existing private driveway that provides access to the North House does not provide for public access. To create public access to the site, the owner would likely need to install a new road on City property through the wooded parkland.
- **Parking.** The property would have limited parking space available, which can be a major challenge for commercial uses.
- **Commercial Renovations.** The cost of necessary renovations to meet commercial code and use requirements. Upgrades would likely include the installation of a commercial kitchen (including HVAC upgrades), bathrooms, upgrades to meet ADA requirements, etc.
- **Zoning.** This property is zoned Conservancy (CN). The Conservancy district generally does not allow commercial uses. The property itself would need to be rezoned to a different zoning district that would allow commercial uses. The supplemental zoning code allows for limited retail uses not exceeding five thousand (5,000) square feet in floor area. Rezoning a landmarked residential property into a district allowing commercial uses would be a lengthy and complicated process, requiring approval from various governmental bodies and committees. We would also expect the neighboring properties to have serious concerns about any commercial uses at the property.
- **Landmarks.** Any significant renovations to the exterior would need to meet the historic preservation guidelines and not detract from the building's architectural and historical

significance. This would limit the ability to convert the house to retail uses because the type of amenities, entrances, etc., needed may not be possible.

Over the years, the O'Hare Trust has received occasional interest in someone using the North House for retail uses. When those persons started their due diligence they discovered the costs and time necessary to address the above items were prohibitive.

Moreover, the conversion of the North House to commercial uses would also create a risk to the city. If the house went through the renovation process to convert it to commercial uses and the business failed, the city would possibly become the owner of the property that no longer would be adequate as a single-family residence.

It is very unlikely that the North House could be converted to commercial, public uses. Its highest and best use remains that of a residential dwelling with the owner being responsible for maintaining it.

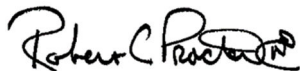
REQUEST

The O'Hare Trust is requesting that the Commission provide guidance to the Parks Department staff and the City Attorney's Office as to whether they should commence working with the O'Hare Trust to put together possible changes to the Lease for the Commission's further review and consideration. Those items would include:

- Termination and Renewal of Term
- Leasehold Mortgage Provisions
- Default / Cure Provisions
- Insurance

Sincerely,

AXLEY BRYNELSON, LLP



Robert C. Procter

Cc: Eric Knepp (via email)
Doran Viste (via email)
Chuck O'Hare (via email)
Mary O'Hare-Lewis (via email)
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