

July 13, 2022

Resort Municipality of Whistler
Municipal Hall
4325 Blackcomb Way,
Whistler, B.C. V8E 0X5

Attention: Planning Department

Subject: Letter from Property Owners Explaining Rational for the Requested Covenant Modification

Thank you for providing clear instructions for preparing an application for Covenant Modification to Covenant #J89733 (“**J89733**”). We are pleased to present our rational for preparing this application.

We moved to 6427 Balsam Way in January 2020, and we love our new home with the friendly neighbourhood, stunning views of Whistler and Blackcomb Mountains, quiet expanse of the wetlands of the River of Golden Dreams, and the unlimited outdoor opportunities. We love Whistler but are constrained by a relatively small living space in our home. Accordingly, we would like to expand our home, however, we are constrained by the Flood Construction Level (“**FCL**”) requirement of 3.0m contained in #J89733.

The current building complies with both Bylaw No. 2071, and Zoning and Parking Bylaw No. 303 that establish a 1.5m FCL at a distance greater than 30 meters from a water course. Covenant #J89733 requirement of a 3.0m FCL is nearly double the FCL on which the building was originally established.

Under #J89733 any expansion would need to comply with the 3.0 m FCL resulting in a split-level building, where floors are up to 1.5m higher than those in our current home. We have explored a split-level layout and found that the resulting structure would not meet our needs for an integrated living space. We also consider that the exterior of the expanded split-level building is aesthetically unattractive in contrast to the architectural quality and standard of nearby homes. Therefore, we are requesting a Covenant modification to comply with the 1.5 m FCL requirements of current Bylaws.

We would like you and the Council to note that a similar covenant modification was approved by Council and subsequently executed in May 2022 for the next-door neighbouring property 6431 Balsam Way (owned by Dixon and Alice Lawson). According to the recent Covenant Modification Agreement (modification of J89733 that was copied to us by the Lawsons), the Municipality of Whistler has accepted that the Flood Construction Level (FCL) for the Lawson property shall be 1.5 m above the highest recorded flood level, down from 3.0 m per original Covenant Agreement. The Lawson’s application for covenant modification was supported by a Geotechnical Engineering report by Evan Sykes of Kontur Geotechnical Consultants Inc., same as our application. We are applying for the same approval, that the existing and any future expansion be governed by the 1.5 m FCL criterion.

Thank you for considering this application for covenant modification. We trust that you will approve this application so that our expansion can proceed aligned with Whistler’s high-standard aesthetic for architecture.

Yours very truly,



Gerhard Schmidt
Co-owners of 6427 Balsam Way, Whistler B.C.



Julia Schmidt