

# **BUILDING REQUIREMENTS FOR CONSTRUCTION ON BELMONT ESTATE**

**Revised April 05 2008**

## **INTRODUCTION**

**Belmont Estate is one of the premiere residential developments in the Caribbean. Most homes have been constructed so they are all but invisible to neighboring properties. Natural vegetation is preserved where possible, the size of the structure is balanced by a generous portion of “green space” so the structure is not disproportionately large in relation to the size of the lot, and design is done in such a way that the structure blends into the land adequately compensating for the generally steep terrain.**

**As a result, most residents enjoy spectacular and uninterrupted panoramic ocean views in a quiet surrounding where often no man-made noises can be heard. In order to preserve this desired living condition, the following regulations are required for those undertaking either new construction or construction to an existing structure.**

## **GUIDELINES**

Houses must be designed and constructed, in so far as possible, to blend into the environment. Owners and Contractors are encouraged to leave as much natural vegetation in place as possible and to construct their residence so that the structure’s visibility from neighboring properties is kept to a minimum. Large retaining walls, facades, or other support structure visible to others are actively discouraged.

The clearing of trees from greater than 4" in diameter is actively discouraged.

The excessive removal of specimen trees of any variety is actively discouraged and may be the cause of the plans being rejected in their entirety. The design as submitted should take this restriction into account.

The maximum house area is actively encouraged to be less than 6,000 sq. ft. of living space within the walls or as open living area external to the walls but covered by a roof. The living area may include laundry, utility areas and owner’s lockups.

No structure should exceed thirty-five feet (35’) in over-all height measured vertically on the outside of the structure from the lowest adjacent pre-construction ground levels to the eaves.

The ARC actively encourages homes that do not exceed the height of the upper-most tree line on your property.

Structure(s) are discouraged that unreasonably obstruct(s) the view from an existing structure.

Total width of house and ancillary structures that exceed 2/3rds the width of the lot will likely not be approved.

Setbacks between houses are encouraged to be left in a natural state and with ample vegetation for privacy.

## **PROCEDURES**

All construction in Belmont Estate must be approved by the Belmont Estates Ltd. Architectural Review Committee (ARC) as specified in the covenants attached to your title.

1. Before beginning the process of designing and building or renovating a house in Belmont Estate please read and understand completely these Building Requirements. This will expedite the completion of your project. If at any time you have questions pertaining to your project please feel free to contact the ARC at [arc@belmontassociation.com](mailto:arc@belmontassociation.com).
2. Before preparing complete and potentially expensive plans submit four copies of a scale drawing as detailed in section 3 of RULES. This must also be done independently for Town and Country, the Tortola government's building department.
3. When the scale drawings have been approved by ARC proceed with your complete plans. When your plans are completed forward four copies as specified in Section 3 of RULES for approval with the appropriate fees. The form that the ARC uses for the approval process is at the end of this section. It is useful for builders as well as the ARC in completing your design and to avoid delays in construction.
4. All property lines must be located and marked by a BVI licensed surveyor prior to the commencement of construction. The location of the structure must be located, surveyed and marked by the contractor prior to the commencement of excavation. The ARC will check these data prior to giving permission for construction to begin.
5. When your plans have been approved, the contractor's survey completed, and a contractor has been selected a meeting is to be arranged with the owner (if possible), architect, contractor and a member of the ARC on site. At this meeting the contractor will be given a copy of the Building Requirements. The ARC member will explain the regulations pertaining to construction including hours and days permitted for work. "Quiet work" may be done at any time as long as it does not disturb residents. The plans will be reviewed to make certain that all involved are working toward the same goals. The ARC member will give a contact phone number to all involved.
6. Before pouring any foundation concrete the ARC will determine that the house is sited within the setbacks. It is the responsibility of the contractor to contact the ARC for this approval. We ask that the ARC member be contacted in plenty of time to make arrangements to inspect so as not to delay the pour.

The ARC may make periodic inspections as construction commences.

## **RULES**

## 1. House Area

a) The minimum area requirement shall be 1,500 sq. ft. of living space within the walls or as open living area external to the walls but covered by a roof. The living area may include laundry, utility areas and owner's lockups.

b) Separate ancillary structures such as gazebos or change houses will receive an area credit equivalent to 50% of the covered area involved.

## 2. Architect

All plans for any structure to be built or renovated on Belmont Estate must be prepared by an Architect licensed to practice in the BVI. The Architect shall preferably be currently a resident in the BVI.

Plans for residences designed by the Owner are generally discouraged unless certified by an architect as described above.

## 3. Plan Approval, Building Fee and Review

The review of all plans for residences, ancillary buildings, and renovations shall be in two parts. First, four copies of a 1/8<sup>th</sup> scale design drawing shall be submitted to the Belmont Estates Architectural Review Committee (ARC) for approval. This scale drawing must show the house and all ancillary buildings as they will appear on the lot in completed form. The entire lot shall be shown with the proximity of buildings on attached lots. When this has been approved by the ARC a complete set of working plans are to be submitted for approval.

Four **complete** sets of working plans shall be submitted for approval to the ARC. The plans submitted for review shall be accompanied by a cheque in the amount of \$3,500. The cheque represents a non-refundable damage fee and should be made payable to Belmont Association.

Plans for secondary construction such as modifications or additions to an existing house or the addition of a swimming pool or other external feature shall be accompanied by a similar damage fee. Rates for such fees are as follows:

- Modifications or additions to the dwelling \$500 review charge plus \$2.00 per Sq. Ft. of floor space involved
- Swimming pools \$500 review charge plus \$1.00 per Sq. Ft. of pool and surrounding patio area.

The maximum secondary construction fee shall be \$3,500.

Plans which are not accompanied by the damage fee will not be reviewed or approved.

Four complete sets of plans shall be sent to:

Belmont Association Architectural Review Committee  
P.O. Box 861

Road Town, Tortola  
British Virgin Islands

Plans submitted for primary ARC review and approval must contain the following as a minimum:

- Full drawing of the site showing all contours at no greater than 5 foot intervals.
- Site contour plan showing all major trees (four inches or greater in diameter) and proposed location of the dwelling and all details such as patios, driveways, swimming pools and septic systems.
- A scale perspective view of the proposed dwelling (1/8<sup>th</sup> scale as submitted to Government for review) showing its relation to the site.
- Separate plan view(s) of all floors.
- Plan view of cistern level.
- Front, back and side elevations of the dwelling
- At least one section that shows the relation of the structure to the adjacent road.
- Details of any proposed retaining walls.
- Proposed routing of all utility supplies.  
Plans for all utilities including but not limited to electrical, plumbing, air conditioning.
- Details of the intersection of the driveway with the Estate road and all drainage for the driveway.
- Any special details that may assist the ARC with their review.

Secondary plans need not be as detailed since the primary structure is available for examination.

Submissions which are incomplete will be held without review until all parts are submitted.

#### **4. Single Family Dwelling**

- a) The dwelling shall be designed and constructed as a single family dwelling.
- b) The dwelling shall not be conducive to separation into functionally separate units either horizontally or vertically.
- c) No more than one fully equipped kitchen shall be allowed on the property.
- d) Separate bar facilities including small sinks and refrigerators shall not be taken as an indication of separation of dwellings.

#### **5. Height of the Building**

- a) The dwelling shall consist of a maximum of two stories above the top of the lowest cistern.
- b) The cistern level shall not be considered as a floor for review purposes regardless of the possibility that additional rooms may be located on that floor.

#### **6. Clearing of Site**

The Covenants prohibit the felling of trees 6" in diameter and over unless such felling is

absolutely required by the design of the dwelling. To enforce this restriction, the following criteria are established:

- a) The site shall be cleared of only low lying brush (Catch and Keep, etc).
- b) The proposed structure shall be located in plan view on the site contour plan and any trees that must be removed in the course of normal construction will be indicated.
- c) Written permission must be granted for the removal of all trees greater than six inches in diameter.

The ARC recognizes that some tree removal is inevitable but strongly desires that it be kept to a minimum. The site will be checked as to the accuracy of the location of major trees and the practicality of the planned tree removal as shown on the plans.

If trees over six inches in diameter are removed without the express written consent of the ARC, the owner will be liable for replacement of those trees at the end of construction. If they are not replaced within six months of the end of construction Belmont Association may replace them and the owner will be charged with replacement plus 10%.

## **7. Setbacks**

a) Setbacks are as follows:

-The minimum setback for all structures shall be twenty (20) feet from the front and back of the property lines and fifteen (15) feet from the side boundaries. In the case of a property boundary along a road, the setback shall be thirty-five (35) feet from the centerline of the road. This shall include all roof overhangs, patios but exclude driveways.

b) Septic tanks and field beds (soakaways) shall be located no closer than 25 feet from any property line.

## **8. Construction Schedule and Phased Construction**

a) ARC approval of plans is valid for two (2) years from the date of approval. If construction is not started within that time, the plans must be resubmitted for approval. A charge of \$1,000 will be made for the second review process.

b) If a phased construction schedule is proposed, the schedule must be clearly indicated with the application for ARC review. The first phase must meet the minimum requirements of these regulations.

## **9. Roof Coatings and/or Material**

All metal roofs shall be covered with rust resistant material such as “Galvalume” or equivalent and never permitted to rust.

## **10. Driveways, Drainage and Excavation**

a) Drainage from the site and/or any driveway or excavation shall not be permitted to damage the Belmont Estate road system nor the property of any other owner.

b) Retaining walls between the road and the dwelling are required when, on steep sites, there is a possibility of slippage causing either damage to the road or damage to the house. The Association will not be responsible for the installation of such walls or the cost of guard rails that are required in such situations.

## **11. Utilities**

It is the responsibility of the Owner to arrange for power supply and any other utility that may be available from the location of such utility to the site. Unless specifically permitted by written agreement, no utility supply will be permitted to cross any other site.

It should be noted that the Covenants grant to Belmont Estates Limited easements along the roads and property boundaries for the installation and maintenance of utilities.

## **12. Contractors**

Owners are fully and completely responsible for their Contractors while active on the Estate. The Owner must ensure that the Contractor is fully aware of the restrictions contained both in these Regulations and in the Association By-laws and Covenants. The cost and liability for any and all actions of the Contractor is the sole responsibility of the Owner.

## **13. Working Hours**

Normal working hours on the Estate are 7:00 am to 5:00 pm Monday through Friday and 7:00 am to 12:00 noon on Saturday. No work is permitted on Sunday.

In recognition of the fact that some operations such as large concrete pours may of necessity overrun these time limits, dispensation will be granted on a case by case basis if the Resident Manager of Belmont Association is notified in advance.

These restrictions are intended to minimize the level of nuisance and annoyance of residents of the Estate and their guests.

## **14. Construction Debris**

The Owner, Owner's Agent or Manager and/or the Contractor shall be responsible for the control and disposal of any and all construction debris from either excavation or construction. If such material is allowed to obstruct the Estate road system or to spill onto adjacent properties, it shall be removed immediately at the Owner's expense.

## **15. Damages and Damage Fee**

a) The Owner is ultimately and fully responsible for any and all damage to Estate roads or to any private road system that is used during the construction period.

b) The Owner is fully responsible for any damage that may occur to other Members' properties as a result of construction activities.

c) In accordance with item 3 of RULES, the Owner or his Agent is required to submit a non-refundable \$3,500 cheque with his application for ARC review and approval. This amount will be used to cover any damage to the Estate infrastructure system. If the cost of such damage exceeds the amount of the deposit, the Owner will be liable for the additional costs.

d) The \$3,500 fee is not intended to pay for damage to any other owner's property. Such damages shall be the subject of negotiations between the owners or their agents. The Association will not be involved.

## **16. Liability Insurance**

The owner shall be responsible for ensuring that his contractor(s) or any other agent(s) employed by the owner is adequately insured against liability for damage either to the Association or to the General Public.

## **17. Commencement of Construction**

Neither construction nor lot clearing other than that minimally necessary for survey shall be permitted on the Estate without a valid approval from the ARC.

Should the Owner or his agent start construction in contravention of these regulations, that owner will be responsible for all costs required to obtain compliance with these regulations.

## **18. Town and Country Planning Approval**

The owner or his agent is required to obtain Town and Country (BVI Government) Approval for the proposed construction project. Such approval, however, shall not constitute ARC approval and is totally separate from it.

In cases of dispute between ARC and T&CP regulations, the more stringent shall apply.

## Belmont Estates Limited Construction Approval

**Project:** \_\_\_\_\_ **BEL lot #:** \_\_\_\_\_ **Architect:** \_\_\_\_\_

Complete set of working drawing including but not limited to:

- \_\_\_\_\_ Site Plan - buildings, boundaries, contours, roads, utilities, all pertinent external details (submitted on the plat of 7 Feb 67 only)
- \_\_\_\_\_ Elevation(s) – all four directions
- \_\_\_\_\_ Floor plan(s)
- \_\_\_\_\_ Foundation(s) including cistern
- \_\_\_\_\_ Structural(s) - roof plan, roof materials, walls, floors, swimming pool details
- \_\_\_\_\_ Electrical(s)
- \_\_\_\_\_ Plumbing
- \_\_\_\_\_ Mechanical(s)
- \_\_\_\_\_ Section(s) as appropriate

Building setbacks:

- \_\_\_\_\_ 30ft from center of estate road
- \_\_\_\_\_ 20 ft from front or rear lot lines
- \_\_\_\_\_ 15 ft from side lot lines
- \_\_\_\_\_ No permanent structures of any kind that might encroach upon BEL easements (15 ft. in each direction from the center line of each road and 6 ft. in each direction from each other lot boundary)
- \_\_\_\_\_ Septic-20 ft from property lines
- \_\_\_\_\_ Details of septic tank and soak-away

Configuration:

- \_\_\_\_\_ Minimum square footage – 1500 sq. ft. within the walls or as open living area covered by roof
- \_\_\_\_\_ Designed as a single family dwelling
- \_\_\_\_\_ Not easily separated for multi-family use, either horizontally or vertically
- \_\_\_\_\_ Only one full kitchen per property
- \_\_\_\_\_ Maximum height - two floors above cistern level
- \_\_\_\_\_ Garage - two cars maximum

Utilities:

- \_\_\_\_\_ Utilities - not to cross another property
- \_\_\_\_\_ Utilities building soundproof
- \_\_\_\_\_ 6 ft from property line no structures
- \_\_\_\_\_ 15 ft from center of road, access
- \_\_\_\_\_ Generators - proper sound proofing

Other:

- \_\_\_\_\_ Clear indication whether a phased construction is planned; no phased second floor
- \_\_\_\_\_ Galvanized roof – color bonded or painted
- \_\_\_\_\_ Driveway - must not damage estate road (s) or other property
- \_\_\_\_\_ Details of scuppers and drains and swales as needed
- \_\_\_\_\_ Must not obstruct view of others

Damage deposit:

- \_\_\_\_\_ \$3,500 non-refundable construction fee to BAL received

Comments:

Submitted by \_\_\_\_\_

Date: \_\_\_\_\_

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