

BEACH VILLA OWNERS ASSOCIATION LTD
RULES AND REGULATIONS
FOR
VILLA CONSTRUCTION OR ALTERATION
Board Approved 2/23/2022

The Beach Villas Owners Association (BVOA) is an organization of owners of vacation homes in Treasure Cay, Abaco, Bahamas. Most of the villa have been built on small lots and are situated close to another. The Deed of Conveyance from Treasure Cay Ltd. to BVOA states:

“No alteration (except for minor repairs) or additions shall be made to any buildings now or hereafter erected upon the lot nor any structures (temporary or otherwise) be erected on any part of the lot without written approval of the Directors of the Association ...”

In accordance with the terms of the Deed of Conveyance, the Board of Directors developed procedures to be followed for any construction to be undertaken in the BVOA area. While the procedures have worked well over the years, the Board of Directors has decided to update and clarify the procedures to be followed prior to, and during construction.

The following Rules and Regulations must be followed by anyone seeking to make an alteration, build an addition, or erect a new villa.

CONSTRUCTION RULES AND REGULATIONS

1. APPLICATION FOR PERMITS –

- a. Anyone wishing to make an alteration, build an addition, erect a new villa, or patio must submit an application together with a drawing showing the alteration, repair, addition, new villa, or patio. The drawings must show property markers and setbacks in conformance with these regulations. The application and drawings must be submitted to the Building Committee of BVOA. An application must be submitted for major repairs (i.e. roof or shingle replacement, substantial deck, siding repair, or sewer repair/replacement extending beyond owner’s property lines into Common Area).
- b. Applications can be obtained from the manager of BVOA by making a request in person, by phone, e-mail, or FAX. The manager’s telephone

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number is (242) 365-8039 and the office FAX is (786) 930-4688. The email address is bvoatc@gmail.com.

- c. Application must be made in duplicate at least 30 days before the anticipated start of construction.
- d. A security cleanup deposit of \$250 must be given to the BVOA manager at the time the application is filed. The cleanup deposit will be returned upon one of the following:
 - i. The application is denied, or
 - ii. When the alteration, addition or other construction, or repair as allowed by the permit is satisfactorily completed and the final site cleanup is accomplished.
- e. Any desired change from an approved permit requires submitting an additional application and the granting of a new permit by the Building Committee.

2. GENERAL REQUIREMENTS –

- a. All Association fees must be paid to date (as billed) before any construction permit is issued.
- b. All construction must comply with the requirements of Bahamian Law.
- c. All construction shall comply with the requirements set forth in the Deed of Conveyance and these Rules and Regulations.
- d. Any new construction or alteration of an existing single-unit villa structure shall adhere to the Beach Villa's traditional design.
- e. The design and layout of any alteration, addition, repair, replacement or new villa shall be of aesthetically pleasing design and efficient arrangement.
- f. Alterations of an existing villa or new roof having features such as a "Widow's Watch" or "Widows Walk" shall not be accepted in any form.
- g. In planning any new construction project, attention shall be given to safety and fire protection, impact on adjacent buildings and environmental conditions.
- h. Special attention must be paid to: landscaping, paint color, roofing material, and color, sidewalks, drainage, height of structure, trash container location, and set-backs from the lot line to ensure that any construction blends well

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with décor and architecture of the Beach Villas and is in compliance with BVOA regulations.

- i. All work shall be completed within a reasonable length of time.
- j. Any work done by an owner or contractor shall be mindful of any noise created. Noise by engines, saws, hammers and the like shall not be permitted on Sundays or Bahamian Holidays outside of the hours of 8 AM and 6 PM.
- k. The job site shall be cleaned of debris daily.
- l. Where possible, construction materials shall be stored inside.
- m. Any landscaping additions/deletions/modifications in Common Area adjacent to an owner's property must have the approval of the Landscaping Committee.

3. SPECIFIC REQUIREMENTS AND PROCEDURES –

- a. Any new construction or alteration of an existing single-unit villa structure shall adhere to the traditional design consisting of the following:
 - i. Outside dimensions of about 25 x 33 feet on concrete slab floor.
 - ii. Single story structure walls may be wood, concrete block or concrete.
 - iii. The Polynesian type roof consisting of:
 - 1. A dual-pitched roof truss supported hip roof with 3-foot eaves all around.
 - 2. The primary truss has a pitch of about 3.5 on 12.
 - 3. The decorative peak has a pitch of about 9 on 12 that increases the peak truss to about 80 inches or about 1 part in 3.75 of building width or about 1 part in 4.65 of the total roof width.
 - iv. The maximum elevation of any part of the villa roof ridge shall be no more than 18 feet above the slab floor level.
- b. Revisions to BVOA Building Regulations for Raised Villas Along the Beach Front to the West of the BVOA Pool- Adopted by the BVOA Board on 1-14-2021
 - i. New Beach Villa Construction shall be architecturally consistent and compatible with the traditional beach villa design.
 - ii. Roof design shall substantially follow the design of the traditional Beach Villa roof, being of low-profile hip type (single or double), with a minimum overhang of 24".
 - iii. New villa construction along the BVOA West dune front area will be allowed

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to be raised buildings on pilings, meeting the following requirements:

- iv. The ground level shall be considered to be the same ground level as the original villa foundation, referred to as the base elevation.
- v. The bottom of the floor joists of the raised living area shall be no more than 7' above the base elevation. (7')
- vi. The living area shall be limited to one level.
- vii. roof peak of the highest point of the roof shall not exceed 27' above the base elevation.
- viii. Zero living space shall be permitted at ground level.
- ix. Storage/garage space permitted at ground level shall not exceed 320 SF, the layout of which shall be included in the building plans to be approved.
- x. Lot line setbacks shall be no less than 10' from the outside wall surface of the building to the property lines on each side and the front of the property line and no less than 3' from the rear property line.

All plans approved by the BVOA must be submitted to Treasure Cay Town Planning to ensure zoning compliance.

Upon approval by TC Town Planning, plans must be submitted to Local Government in Cooperstown.

All construction must meet current Bahamian building codes, enforcement of which is the responsibility of Local Government in Cooperstown.

c. Revisions to BVOA Building Regulations for Additions with Eve and Low Sloped Roofs - Adopted by the BVOA Board 2-23-2022

- i. Additions that cannot blend with the typical Polynesian type roof or are not practical to construct at existing single-story Villas may have a hip type roof with the approval of the BVOA Building Committee Chair and the BVOA board. The addition roof line will blend into the existing roof where the roof breaks from a from a 9:12 pitch to a 3.5 to 12 pitch. The hip type roof will have a 3.5 to 12 pitch and a 3-foot eve. All setbacks and separations from other villas must be met. Attention must be given to attaching the roof and structure to the existing building, especially with respect to details to minimize hurricane damage to the structure and public. Except as noted above, all other BVOA Building Regulations and Bahamian Code requirement shall be complied with.
- ii. Small additions with sloped roofs such as small porches, sheds and similar additions that do not blend with Polynesian and hip type roofs or are not practical to construct at existing single-story Villas may be allowed with the approval of the BVOA Building Committee Chair and the BVOA board. These sloped roofs roofs shall have a minimum of a 2:12 pitch for asphalt shingles

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and 3:12 for metal roofs, as allowed by the Bahamian Building Code, and a 1-foot eave. All setback and separation requirements from other villas must be met. Attention must be given to attaching the roof and structure to the existing building, especially with respect to details to minimize hurricane damage to the structure and public. Except as noted above all other BVOA Building Regulations and Bahamian Code requirement shall be complied with.

iii. Roofing materials are restricted to asphalt-fiberglass shingles and standing seam metal roofing as stated in the BVOA Building Regulations. Materials for these two types of roofing must be High Velocity Hurricane Zone Miami Dade approved material and installed per the manufacturer's installation instructions.

- d. Any structure (i.e.villa, shed, room, garage, or other addition) shall be no less than three (3) feet from the property line.
- e. The outer bounds of any roof eaves shall remain within the property.
- f. For any two villas that are closely situated to a common property line, the addition of storage sheds, and/or appliances (for garbage can receptacles, generators, air conditioners, water heaters, etc.) may be built out to the eave on the closely situated sides as long as:

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- i. No parts exceed the property line.
 - ii. There must be at least 30 inches wide un encumbered free access between the villas for garbage collectors, gardeners, and fire fighters. This includes not only the addition but any concrete slabs or piers.
 - iii. Other than the above, there are no exception to the 3-foot setback requirement.
- g. Any modifications to the standard roofline may include flush-mounted skylights or solar collectors with curbs and supports not to exceed 6" removed from the plane of the roof. Major angular protrusions from the roof line shall not be permitted for any reason.
- h. Patios (or decks) must have a setback of no less than one (1) foot from the property line. Patios located contiguous to villa structures shall be at an elevation lower than the slab floor level. The elevation of any patio located distant from the villa shall be no higher than three (3) above local grade.
- i. Existing non-conforming building structures, porches, and patios may be maintained and/or modified but cannot increase the non-conformity of the footprint in any way.
- j. If property marker pins cannot be located, a survey must be made by a professional surveyor to establish true location with all property marking pin monuments prominently and permanently mounted. A copy of a certified survey report with property markers identified must be completed and submitted before approval is given for building an addition, making an alteration, or of building of a new villa. All surveying expenses shall be the responsibility of the property owner.
- k. A line of visible string shall be strung from property marker to property marker along the side(s) of the property where construction is taking place. The lines shall remain in place until the construction is completed and the final inspection by a representative of the Building Committee is made.
- l. Once the setback lines are strung, the BVOA Manager or a representative of the Board will inspect the site for compliance with BVOA requirements.
- m. A contractor shall not start construction until he/she has received a building permit signed and dated by the BVOA Manager or a Board representative. A contractor shall not deviate from the plan approved by the BVOA Manager or Board Representative.

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- n. When the contractor has laid out his lines and/or placed his framing marking off the area for proposed construction, he shall notify the BVOA manager and the Manager shall make final inspection of the proposed work to insure it is in compliance with BVOA regulations and consistent with the plans approved by the Building Committee.
- o. When construction work is completed, the contractor shall notify the BVOA Manager. The BVOA Manager and a representative of the Board will perform a final inspection to determine whether the work done was performed in compliance with the requirements set forth above.
- p. A patio, or golf cart access to a villa shall not be wider than sixty (60) inches.
- q. Consistent with parts 1(a) and 2(h) above, the roof may be protected by metal sheeting or asphalt-fiberglass shingles. At this time, Bermuda style roofs are not allowed. Any requested changes to the roof surface construction or roof color must be described in detail on the required application being submitted to the Building Committee for approval. The choice of metal roof colors shall be limited to Stone White as supplied by Peterson Aluminum (or equal) with a minimum gage or 0.32" with a SRA of 72.
- r. The BVOA assumes the responsibility for the degradation of any portion of existing sewer pipes that extend into Common Area beyond the owner's property line caused by the ravages of time, root incursion, etc. In order for the BVOA Board to accept any charges, a member of the BVOA Building Committee or a person designated by the Board must participate in the negotiations and sign off any such expenses before the start of any such repair/replacement work.
 - However, should it be determined that a blockage on Common Land is directly attributable to one villa occupant (even if there are multiple villas tied to a single line), BVOA reserves the right to seek recovery of those repair costs.
- s. The Bahamas has fully accepted United States NFPA Regulation 58, as revised, relative to LP gas tank installations adjacent to buildings with fire resistive walls. LP Gas Tank installation specifications are as follows:
 - i. For installations where the cylinders are **not filled on-site**, the minimum permissible horizontal separation between:

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1. Openable windows and the relief valve location is three (3) feet.
 2. The minimum permissible horizontal separation between any exterior source of ignition (Air conditioners, Generators, Switches, Live electrical receptacles, Relays, Openings into direct vent or mechanical ventilation air intakes) and the relief valve is five (5) feet.
 3. If tank is located under eave or porch roof extending horizontally more than five (5) feet from the building and LP gas tank is 125 gallons (525 Pounds) or more, refer to NFPA 58 Table 6.3.1 for details.
- ii. For installations where cylinders are **filled on-site from bulk truck**, the minimum horizontal separation for any exterior source of ignition (air conditioners, generators, etc. listed above) and the relief valve is increased to ten (10) feet.
 - iii. Any pressurized containers shall be (NFPA 58 section 3-2.4.1):
 1. Mounted on fire resistive concrete or masonry foundation
 2. Firmly secured
 3. Painted to protect against corrosion
 - iv. Further detailed text to interpret NFPA 58 Rules and Graphics, refer to Sections 3-2.2.2, 3-2.3.2 thru 3-2.4.4 and Appendix I. Text always overrules questionable illustrations.
 - v. The BVOA has further constraints:
 1. A minimum set-back from property lines of at least one (1) foot. This setback also includes any above-ground slabs and sound reducing enclosures.
 2. All pressurized LP gas lines to be buried to a minimum depth of twenty (20) inches below local grade.
- t. Generator installations must have:
- i. The setback from property lines must be at least one (1) foot. This setback also includes any above-ground slabs, sound reducing enclosures, electrical conduit & LP gas line.
 - ii. All openable windows must have a minimum horizontal separation of five (5) feet.

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- iii. A minimum separation from villa wall to be eighteen (18) inches unless otherwise dictated by generator supplier specifications.
- iv. If generator is located under a soffit, the vertical separation of the generator to the soffit must be at least five (5) feet.
- v. The depth of any LP gas lines and conduit enclosed electrical circuits must be at least twenty (20) inches below local grade.
- vi. Recognizing that the evaluation of noise levels may be subjective, it is the owner's responsibility to reduce or otherwise muffle the Sound Pressure Level (SPL) to reasonable levels. Asking that the SPL be less than properly maintained air conditioners is considered unreasonable.
- u. Property owners may extend irrigation sprinkler systems beyond their property line into Common Area subject to prior written approval by the Board or by the Building Committee. All water piping to be buried to a suitable depth free of interference with normal landscaping activities and mowers.
- v. Property owners may extend electrical circuits beyond their property line into Common Area to light up hedges and gateways subject to prior written approval by the Board or by the Building Committee. Any added lighting must not be glaring or otherwise intrusive to neighbors. All new exterior electrical circuits must be enclosed in conduit and buried to a minimum depth of twenty (20) inches below local grade.

4. VILLA OWNER RESPONSIBILITY –

- a. It is the responsibility of the villa owner to make sure that any construction is in compliance with these Rules and Regulation and with the approved plan. It is the responsibility of the villa owner to ensure that all construction is in compliance with property setback requirements. If any construction performed is not in compliance with the requirements set forth herein, the owner shall be ordered by the Board of Directors to remove that part which is in violation or make necessary changes as are necessary to bring his/her property into compliance.
- b. A monthly fine in an amount deemed appropriate by the Board to be appropriate shall be assessed until the property is brought into compliance. If a villa owner fails or refuses to comply with the order of the Board, the

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Board reserves the right to institute legal action to compel the villa owner to comply with the order of the Board.

- c. Any project requiring a permit initiated without an approved permit is subject to an immediate non-negotiable \$500 fine. If there are repeated violations, the Board of directors has at their discretion the option to increase the fine as is appropriate.
- d. The relocation and/or removal of property pins(s) is a violation subject to an immediate non-negotiable fine of \$500 fine plus the expense of having the lot surveyed, having the pin(s) replaced and presenting a survey report to the Board.

BOARD OF DIRECTORS