

S. R. & O. No. 15 – 1953

**THE BUILDING AND LAND DEVELOPMENT
(CONTROL) RULES, 1948
ORDER**

made by

The Board of Public Works

THE VERDMONT ESTATE ZONING ORDER, 1953.

In exercise of the powers conferred upon them by the Building and Land Development (Control) Rules, 1948, the Board of Public Works hereby make the following Order:-

1. This Order may be cited as the Vermont Estate Zoning Order, 1953.
2. In this Order –
 - (a) the expression “the Vermont Estate” means the lot of land situated in Smith’s Parish described in the Schedule to this Order and delineated on the plan which accompanied the Governor’s message to the House of Assembly No. 33 of the present session;
 - (b) the expression “the Appeal Tribunal” and “the Building Authority” mean, respectively, the Appeal Tribunal and the Building Authority within the meaning of the Building Rules;
 - (c) the expression “building lot,” “building operation,” “purpose involving human occupation” and “trade or business premises,” have the meanings respectively assigned to those expressions in the Building Rules; and
 - (d) the expression “the Building Rules” means the Building and Land Development (Control) Rules, 1948.
3. No building lot comprising any lot of land forming part of the Vermont Estate shall be used for any building operation –
 - (a) unless that building lot is of an area of not less than one half of an acre; and
 - (b) unless that building lot is a lot of land which does not reduce, by reason of its division from any previous building lot, the area of that previous building lot from which it is divided to an area of less than one half of an acre.

and which is a lot of land approved for the purpose, both as to area and situation, by the Building Authority or by the Appeal Tribunal in the circumstance set out in paragraph (2) of the next following article.

4. (1) An application to the Building Authority for the approval of a lot of land for the purposes of the last foregoing article shall be accompanied by a plan in duplicate drawn to a scale of not less than one inch to every two hundred feet showing clearly-
 - (a) the lot of land in respect of which the application is made and its area;
 - (b) the position and areas of the original or, as the case may be, the other, lots of land adjoining the lot of land in respect of which the application is made;
 - (c) the designation and approximate position of any buildings on such adjoining lots of land;
 - (d) the position and line of the public road adjoining the lot of land in respect of which the application is made or, (if there is no public road adjoining that lot) then of any communicating road or proposed communicating road; and
 - (e) the proposed means of access to the lot of land in respect of which the application is made from such public road or communicating road,

together with a statement of the intended use of the lot of land in respect of which the application is made.

- (2) Any person who, having applied for the approval of a lot of land in accordance with paragraph (1) of this article, is aggrieved by a refusal of the Building Authority to approve that land for the purposes of the last foregoing

article may within fourteen days from the date of his receiving a notice of refusal appeal to the Appeal Tribunal; and the provisions of rules 33, 34 and 35 of the Building Rules shall have effect in relation to any such appeal as though that appeal were an appeal authorized by virtue of the said rule 33.

5. Without prejudice to anything in the last foregoing article, no building –
- (a) other than a building intended to be used as a dwelling house; or
 - (b) other than a building (including an outhouse or private garage) appurtenant to any dwelling house, where such building is not intended to be used for a purpose including human occupation; or
 - (c) other than a building of the nature of a storehouse, barn or toolshed intended to be used for agricultural or horticultural purposes in connection with the development of agriculture or horticulture on the lot of land on which the storehouse, barn or toolshed is constructed,

shall be constructed on any lot of land forming part of the Verdmont Estate.

6. Without prejudice to anything in the provisions of this Order –
- (a) not more than one dwelling house shall be built on any lot of land approved for the purposes of article three of this Order; and
 - (b) no part of any building –
 - (i) being a building intended to be used as a dwelling house; or
 - (ii) being a building of the nature of an outhouse or garage appurtenant to a dwelling house; or
 - (iii) being a building of the nature of a storehouse, barn or toolshed intended to be used for agricultural or horticultural purposes,

shall be constructed on any lot of land approved for the purposes of article three of this Order in such manner as to be within one hundred feet of the most northerly part of the land comprising the highway know as the South Road.

7. No dwelling house or other building authorized by virtue of the last foregoing article to be constructed on any lot of land forming part of the Verdmont Estate shall be altered (within the meaning of sub-paragraph (d) of paragraph (2) of rule 4 of the Building Rules) so that it may be used as trade or business premises otherwise than as premises of the nature mentioned in paragraph (b) of the last foregoing article.

8. No roads –
- (a) other than the road delineated on the plan which accompanied the Governor’s message to the House of Assembly No. 33 of the present session; or
 - (b) other than roads, being roads of not more than four feet in width measured at a distance of four feet from the most northerly part of the South Road,

shall be constructed for the purpose of affording access to and egress from the Verdmont Estate to the South Road; and any such road as aforesaid (other than the road referred to in sub-paragraph (a) of this paragraph) shall be so constructed, together with its appurtenant works, as to present the use of that road by any vehicle which is more than four feet in width.

No entrance or gateway for any road referred to in sub-paragraph (b) of the foregoing paragraph shall be constructed within four feet of the most northerly part of the South Road.

SCHEDULE

All that certain lot of land situate in Smith’s Parish known as “the Verdmont Estate” containing about 21 acres and bounded Northerly partly by the highway known as Vermont Road and partly by land in the possession of the estate of the late G.S.W. Smith, Easterly partly by land in the possession of the late G.S.W. Smith and partly by land of Norman Moniz, Southerly by the highway known as the South Road, Westerly partly by land now or formerly in the possession of Irene Churchill Joell, partly by land now or formerly in possession of Allan P. Joell, and partly by land in the possession of the Bermuda Historical Monuments Trust.

(Sgd) H. Colin Smith
Clerk, Board of Public Works.

APPROVED by His Excellency the
Governor-in-Council this 6th day of
May, 1953.

BY HIS EXCELLENCY'S COMMAND

S.G. Trees,
Acting Clerk, Executive Council

Colonial Secretary's Office,
14 May, 1953