

To Ms. Laura Barkowski
Code Compliance Officer
Town of Simsbury, Planning & Land Use Department
933 Hopmeadow Street
Simsbury, CT, 06090
lbrakowski@simsbury-ct.gov

Date: 28 November 2022

Subject: Variance Application (revision #1) set-back 10 Victoria Lane, W. Simsbury, CT

Please find here-in our application for a variance to our set back requirement (West side yard building to property line) for a proposed addition to our home at 10 Victoria Lane. Purpose of addition is a first floor bedroom & bath for a retiring couple. Design matches current house and neighborhood.

Pursuant to Simsbury variance 22-08, this application is an adjustment to comply with updated information on the FEMA flood zone. FEMA has recently replied with our FEMA application for “map amendment, structure out of zone” and clarified that the flood elevation is 298.3’, whereas the prior variance request assumed 298.0’ (as published). To comply with this, the proposed addition should move forward (South) 3.0’ feet. This increases the penetration of the front corner into the setback to be < 2.0’ whereas the prior approved variance was +/- 1.0 ft.

We have made a concerted effort to work within the zoning requirements and the unique site attributes (topography and proximity to wetlands, flood zone, septic, and well) have resulted in a very small corner of the addition now 1.7 ft inside the 40’ set back (total of <8 ft² inside the setback zone).

Enclosed please find:

- a. Completed Application form
- b. Survey of plot and proposed addition updated 22 November 2022 by Godfrey, Hoffman Hodge
- c. History of permit applications
- d. Proposed addition design – plot plan, plan view design, elevation views design
[note architectural plot plan had originally established building line within 40’ West property line set back but survey and FEMA result in placement distance of 38.3’]
- e. Recent photographs of the house (all four sides)
- f. Listing of current abutting property owners

Thank you for your consideration of this variance. I understand this is subject to a board review likely in December, 2022. Thank you for consideration of the revised variance request.

Regards, John

John & Elizabeth Marion
10 Victoria Lane
West Simsbury, CT, 06092
(860) 424-1657
John.l.marion@comcast.net

a. Completed Application form

ZONING BOARD OF APPEALS APPLICATION
TOWN OF SIMSBURY, 933 HOPMEADOW STREET, SIMSBURY, CT 06070

Application Number: _____ Fee \$ _____

Requested Action (please check appropriate box):

Variance Appeal Decision of Zoning Official

Location of Property: 10 Victoria Lane, West Simsbury, CT, 06092
(number and street name)

Simsbury Assessor's Map Number C07 Block Number 202 Lot Number 010

Deed Volume Number _____ Page Number _____ (property owner must supply copy of the deed)

Applicant - Please Print the Following:

Name: John & Elizabeth Marion
Address: 10 Victoria Lane, West Simsbury, CT, 06092
Email: John.J.marion@comcast.net Telephone: (860) 651-9126

Signature of Applicant: _____ Date: _____

Applicant's Interest in Property: owner

Record Owner of Property: John & Elizabeth Marion, 10 Victoria Lane, West Simsbury, CT., 06092
(print name & address of owner)
Date: _____
(signature of owner)

Property is in Zone R-40 of (applicable section(s) Zoning Regulations section 3.5

Describe the nature of your application, including the amount of variance requested:
Pursuant to board's approved variance 22-08, FEMA has ruled that the flood elevation is 298.3' vs. 289.0' assumed in variance 22-08. An adjustment of the placing of the 780 P2 addition moving it forward (South) by 3.0' to be outside of FEMA flood zone results in a set back variance request of < 2' vs the prior approved of +/-1'.

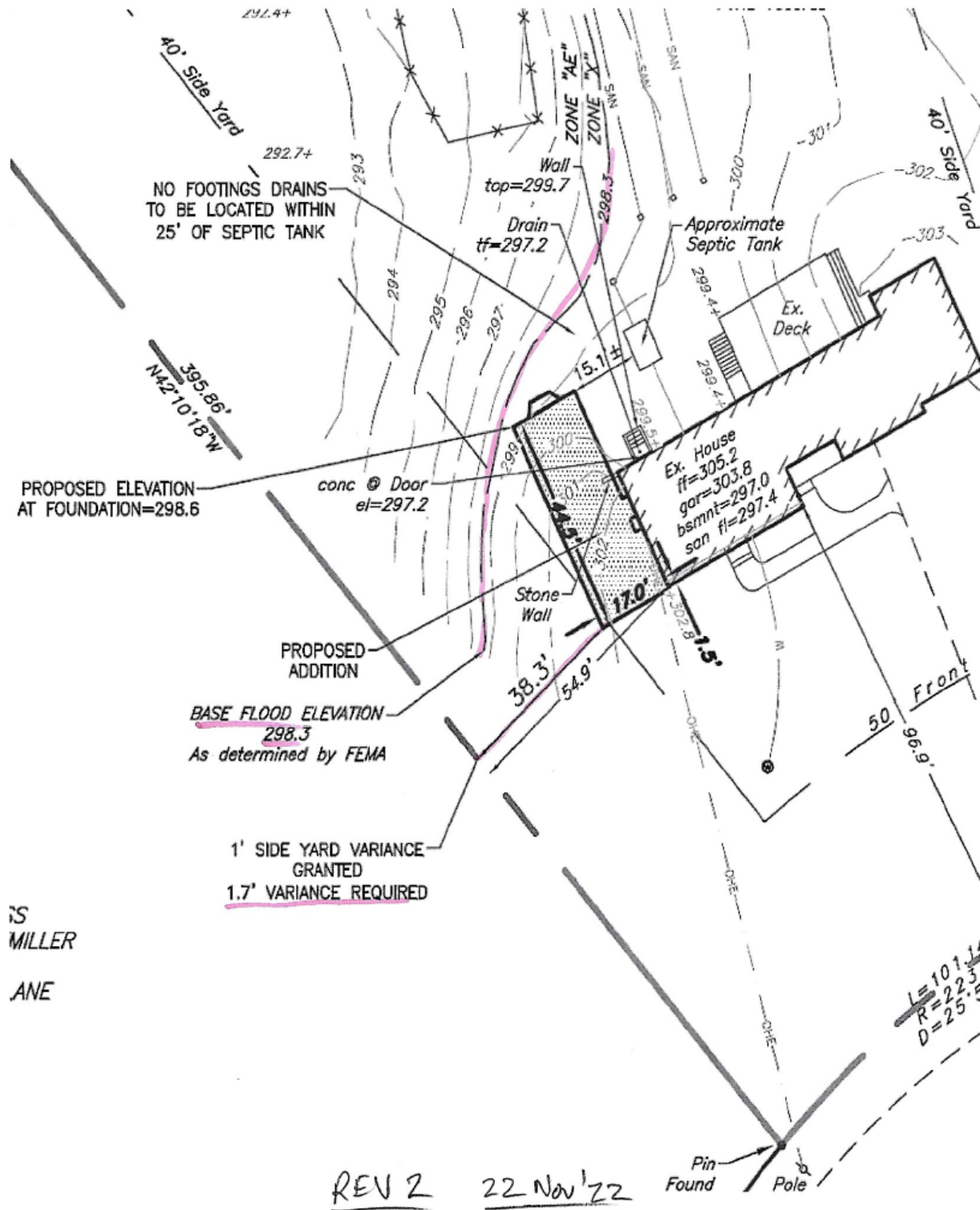
Describe the specific hardship:
A hardship exists with the placement of modest addition to be out of FEMA flood zone, out of wet lands, and away from septic.

This application must be accompanied by required fee, site plan and any other information required by the Zoning Regulations, Building Code, or Rules of the Board. EACH APPLICATION SHALL INCLUDE A LIST OF NAMES AND ADDRESSES OF ALL ABUTTING PROPERTY OWNERS AND ALL PROPERTY OWNERS WITHIN 100 FEET OF THE SUBJECT SITE. Six complete sets of folded plans and eleven copies of the completed and signed application, and any correspondence, must be submitted with the application. Pictures of the property and letters from the neighbors are very helpful. Applicant and/or Authorized Agent must attend meeting.

NOTE: PICKUP YOUR PUBLIC HEARING SIGN WHEN APPLICATION IS SUBMITTED.

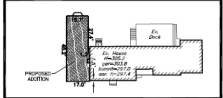
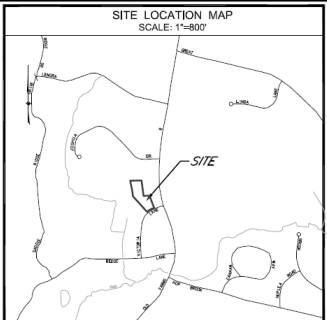
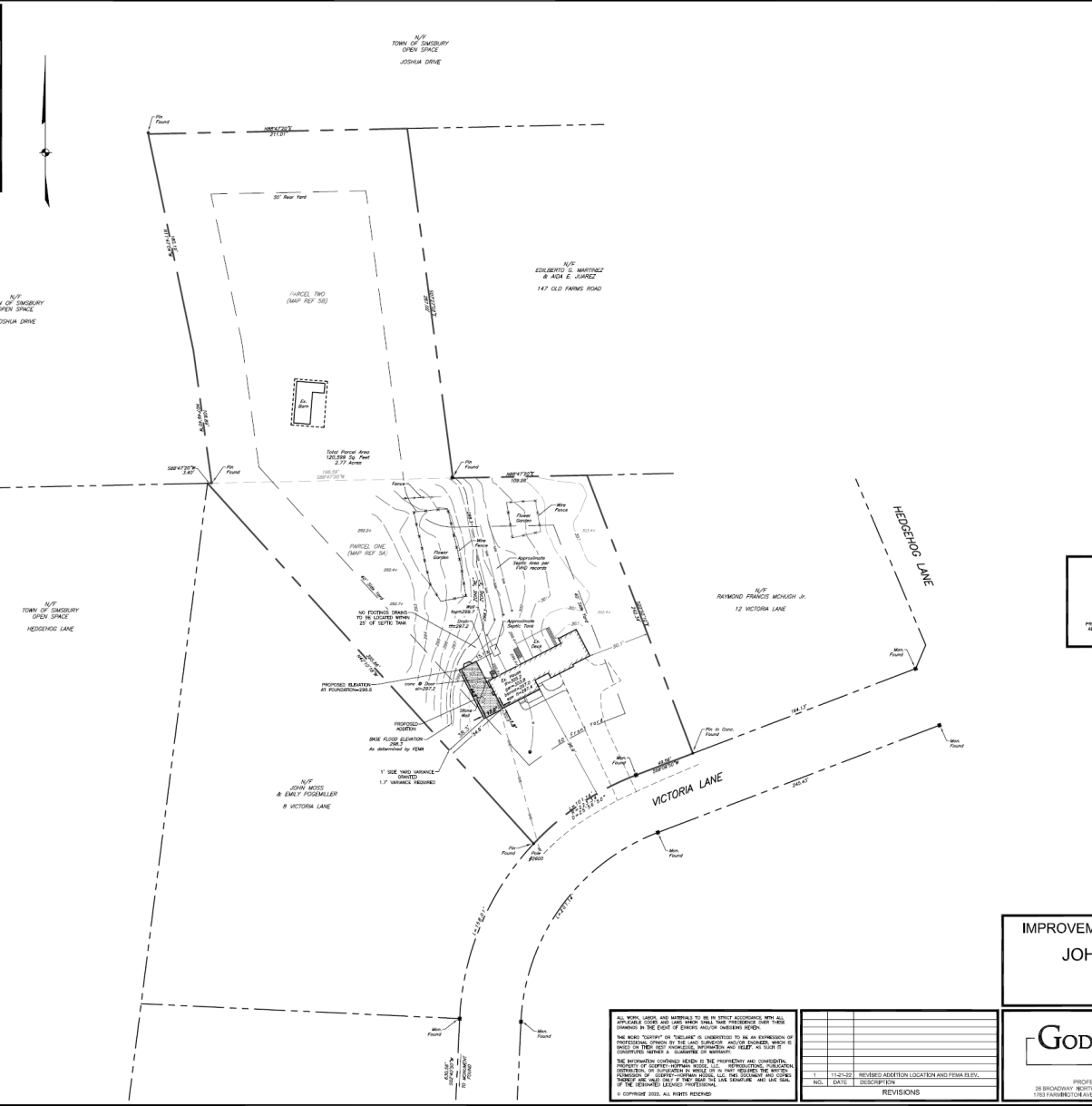
INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

b. Survey of plot and proposed addition revised 22 November 2022



LEGEND

	Property / Street Line		Concrete Monument / TO BE SET
	Center / Right of Way Line		Iron Pin / TO BE SET
	Stone Wall		Lot Marker (TYPICAL)
	Wood / Chain Line		Mark of Boundary
	Water Course		Spot 1'-4" Contour / PROPOSED
	Existing Contour		Utility Pole
	PROPOSED BOUNDARY		Fire Hydrant
	PROPOSED CONTOUR		Manhole
	PROPOSED EASEMENT		Light Pole
	Underground Electric Line		Telephone Pole
	Gas Line		Sewer Line
	Water Line		Storm Sewer Line
	Telephone Line		Fire Hydrant
	PROPOSED CONTOUR EASEMENT		Manhole
	PROPOSED CONTOUR EASEMENT		Manhole



NOTES:

1. THIS MAP AND SURVEY HAVE BEEN PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE BOARD'S SECTION 20A-400-17b (REV. 20-2009-20), THE MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT EFFECTIVE JUNE 21, 1996, AMENDED OCTOBER 26, 2016.
2. THE HORIZONTAL ACCURACY CONFORMS TO CLASS "A-1", AND THE TOPOGRAPHIC ACCURACY CONFORMS TO CLASS "T-2".
3. THE BOUNDARY DETERMINATION CATEGORY IS A "RECURRING".
4. THE TYPE OF SURVEY IS A "IMPROVEMENT LOCATION & TOPOGRAPHIC SURVEY".
5. ALL MONUMENTATION FOUND OR SET IS DEPICTED ON THIS MAP.
6. THE NORTH ARROW BEARINGS AND COORDINATES ARE BASED UPON THE CONNECTICUT STATE PLANE COORDINATE SYSTEM AND ALL PER ADJUSTMENT UTILIZING THE SUPERIOR INSTRUMENTS GPS NETWORK.
7. BENCHMARKS, ELEVATIONS, CONTOURS, AND DIMENSIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), ADJUSTMENT BY UTILIZING THE SUPERIOR INSTRUMENTS GPS NETWORK.
8. ALL BUILDING OFFSETS ARE MEASURED TO FACE OF BUILDING UNLESS OTHERWISE NOTED HEREON.
9. **REFERENCE MAPS:**
 - A. MARGEN ACRES PROPERTY OF FARMSTEAD INCORPORATED OLD FARM ROAD & HEDGOC LANE - SIMSBURY, CONNECTICUT SCALE 1"=100' JANUARY 8, 1983 HAROLD R. SANDERSON, C.E. & L.S., TOWN MAP #1003
 - B. MAP OF LAND OWNED BY FRANK H. LITTLE OLD FARM ROAD - SIMSBURY, CONNECTICUT SCALE 1"=40' SEPTEMBER 1977 RONALD HEDGOC, TOWN MAP #1451
 - C. PROPERTY IS LOCATED IN ZONING DISTRICT R-40.
 - D. PROPERTY IS LOCATED IN FLOOD ZONE(S) "A" AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN, AS SET SPECIAL FLOODHARD AREA AS DEPICTED ON FEMA FLOOD INSURANCE RATE(S).
10. PROPERTY IS SUBJECT TO AND TOGETHER WITH THE FOLLOWING:
 - A. RIGHTS, RESTRICTIONS, ENCUMBRANCES, COVENANTS, EASEMENTS, ETC. AS PER THE RECORD MAP APPEAR.
 - B. THE SUBJECT PROPERTY IS REZONED AS MAP 007, BLOCK 212, LOT 10 ON THE SIMSBURY ACCESSORY RECORDS.
11. UNDERGROUND UTILITIES, STRUCTURE AND FACILITY LOCATIONS DEPICTED AND NOTED HEREON MAY BE FIELD CHECKED IN PART FROM RECORDS MAINTAINED ON FILE BY THE APPROPRIATE UTILITY COMPANIES OR GOVERNMENT AGENCIES, FROM PARCELS AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE. THE LOCATION OF SUCH FEATURES TO GOVERNMENT AGENCIES, I.E. THE SIZE, LOCATION AND EXTENT OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPLICANT'S PERSONS PRIOR TO CONSTRUCTION. CALL BEFORE YOU DIG 1-800-622-4423.

TO JOHN L. & ELIZABETH S. MARION
 TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY ACCURATE AS NOTED HEREON.

APPROVED: JUNE 15, 2022
 PROFESSIONAL LAND SURVEYOR

NOT VALID WITHOUT LINE SIGNATURE AND SEAL.

NOTES:

1. THIS MAP AND SURVEY HAVE BEEN PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE BOARD'S SECTION 20A-400-17b (REV. 20-2009-20), THE MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT EFFECTIVE JUNE 21, 1996, AMENDED OCTOBER 26, 2016.
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TO JOHN L. & ELIZABETH S. MARION
 TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY ACCURATE AS NOTED HEREON.

APPROVED: JUNE 15, 2022
 PROFESSIONAL LAND SURVEYOR

NOT VALID WITHOUT LINE SIGNATURE AND SEAL.

IMPROVEMENT LOCATION & TOPOGRAPHIC SURVEY
 PREPARED FOR
JOHN L. & ELIZABETH S. MARION
 10 VICTORIA LANE
 SIMSBURY, CONNECTICUT

SCALE: 1"=800'

DRAWN BY: RHD
 CHECKED BY: JAH
 DATE: 08-12-2022
 SCALE: 1"=80'
 PROJECT: 22098
 DRAWING: 1 of 1

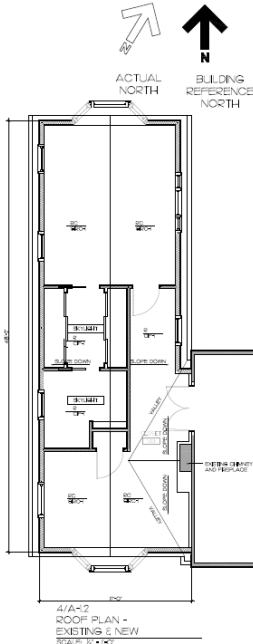
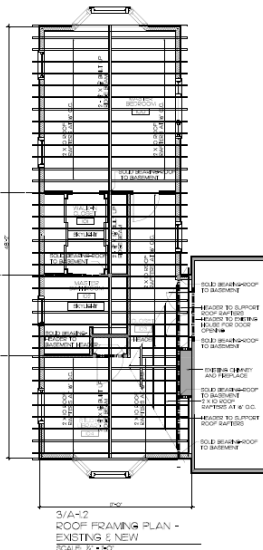
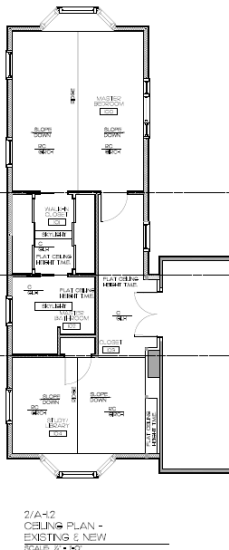
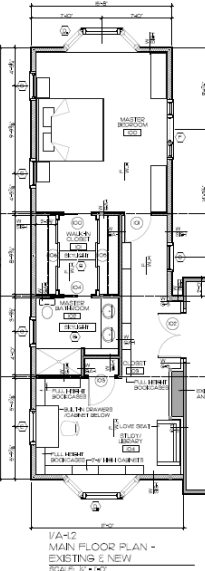
GODFREY HOFFMAN HODGE, LLC
 PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
 28 BRACKENBURY NORTH AVENUE, SUITE 100, FARMINGTON, CONNECTICUT 06030
 1785 FARMINGTON AVENUE, SUITE 100, WALLINGFORD, CONNECTICUT 06495
 TEL: 860.261.4411 FAX: 860.261.4412 WWW.GHOFIRMAL.COM

c. History of Permit Applications

To summarize where we are and how we got here:

1. June 2022 - Original applications to Town of Simsbury submitted.
2. July 5, 2022 - Simsbury wetland board approval.
3. July, 2022 - Simsbury planning (building engineer - Henry ...) oral approval of detailed design.
4. July 19, 2022 - Simsbury planning office advice provided to applicant regarding FEMA flood zone.
5. August 17, 2022 - Survey of property completed by Godfrey, Hoffman, Hodge.
6. August 26, 2022 - Application to FEMA submitted by Godfrey, Hoffman, Hodge.
7. September 1, 2022 - Application to Simsbury Zoning Board of Appeals for setback variance submitted.
8. October 20, 2022 - Simsbury Zoning Board of Appeals approval construction within +/-1 ft granted.
9. 17 November 2022 - FEMA application reply received c/o Godfrey, Hoffman, Hodge. Application to FEMA was for "letter of map amendment" for "structure out" of FEMA flood zone. Understanding (as published) was that flood zone elevation was 298.0' and therefore, position of house had a lowest elevation of 298.2' and the survey conducted by Godfrey, Hoffman, Hodge verified this as part of the application. FEMA has come back and indicated that in detailed review, the flood zone elevation is 298.3'
10. 28 November, 2022 – Revised Simsbury Zoning Board of Appeals application - After consulting with Godfrey, Hoffman, Hodge and builder Atkinson Associates, and with input from CT DEEP specialist (Ms. Diane Ifkovic), we would like to slightly modify the placement of the addition by moving it forward (South) by 3.0'. This will place the lowest elevation point just above the flood zone. Consequence of this adjustment is small change in setback variance request here-in.

THESE DRAWINGS, THE ENERGY AND THE WORK SCHEDULE THEREIN, ARE THE EXCLUSIVE PROPERTY OF JAY T. WILLIAMS ARCHITECT AND ARE NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF JAY T. WILLIAMS ARCHITECT.



ACTUAL NORTH
BUILDING REFERENCE NORTH

JAY T. WILLIAMS ARCHITECT
 ARCHITECTS
 1000 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1111
 WWW.JAYT.COM

JAY T. WILLIAMS ARCHITECT
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 1000 W. 10TH AVENUE, SUITE 100
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 WWW.JAYT.COM

A-12

e. Recent photographs of the house (all four sides)



- Front view (note that house faces South)



- Rear view



- West side view
(note the orange stake in foreground marks distance of the proposed one story addition from house)



- East side view
(showing attached garage)

f. Listing of current abutting property owners

- Raymond Francis McHugh Jr.
12 Victoria Lane
[East side]
- John Moss & Emily Pogemiller
8 Victoria Lane
[West side]
- Edilberto Martinez & Aida Juarez
147 Old Farms Road
[Northeast...rear right side]
- Town of Simsbury Open Space
[North & Northwest sides]



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP AMENDMENT COMMENT DOCUMENT

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	TOWN OF SIMSBURY, HARTFORD COUNTY, CONNECTICUT	Lot 10, Maureen Acres, as described in the Warranty Deed recorded as File No. 7577, in Volume 412, Pages 0404, 0405, and 0406, in the Office of the Town Clerk, Town of Simsbury, Connecticut
	COMMUNITY NO.: 090035	
AFFECTED MAP PANEL	NUMBER: 09003C0188F DATE: 9/26/2008	
FLOODING SOURCE: HOP BROOK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 41.888828, -72.848563 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

COMMENT TABLE REGARDING THE PROPOSED PROPERTY (PLEASE NOTE THAT THIS IS NOT A FINAL DETERMINATION. A FINAL DETERMINATION WILL BE MADE UPON RECEIPT OF AS-BUILT INFORMATION REGARDING THIS PROPERTY.)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT WOULD NOT BE REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
10	--	Maureen Acres	10 Victoria Lane	Structure (Residence)	AE	298.3 feet	298.2 feet	--

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

CONDITIONAL LOMA DETERMINATION

This document provides the Federal Emergency Management Agency's comment regarding a request for a Conditional Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the proposed structure(s) on the property(ies) would be located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) if built as proposed. Therefore, flood insurance would be required for the subject property described above. The lowest adjacent grade to a structure must be at or above the Base Flood Elevation for a structure to be outside of the SFHA. This document is not a final determination; it only provides our comment on the proposed project in relation to the SFHA shown on the effective NFIP map.

This comment document is based on the flood data presently available. The enclosed documents provide additional information regarding this request and information regarding your options for obtaining a Letter of Map Amendment. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP AMENDMENT COMMENT DOCUMENT

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

CONDITIONAL LOMA DETERMINATION (This Additional Consideration applies to the preceding 1 Property.)

Comments regarding this conditional request are based on the flood data presently available. Our final determination will be made upon receipt of this comment document, certified as-built elevations and/or certified as-built survey. Please note that additional items may be required before a final as-built determination is issued.

This letter does not relieve Federal agencies of the need to comply with Executive Order 11988 on Floodplain Management in carrying out their responsibilities and providing Federally undertaken, financed, or assisted construction and improvements, or in their regulating or licensing activities.

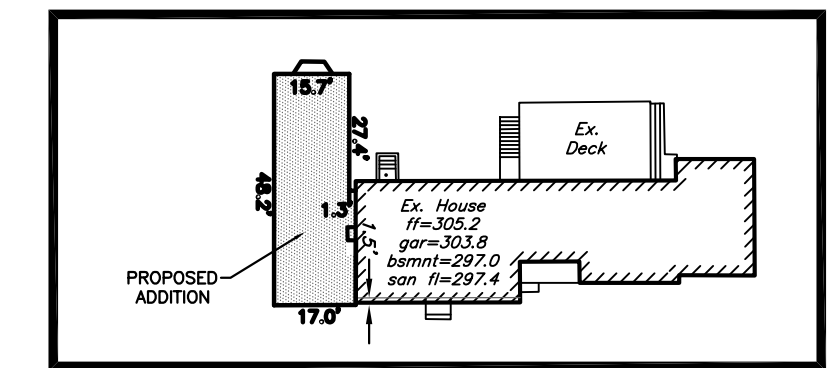
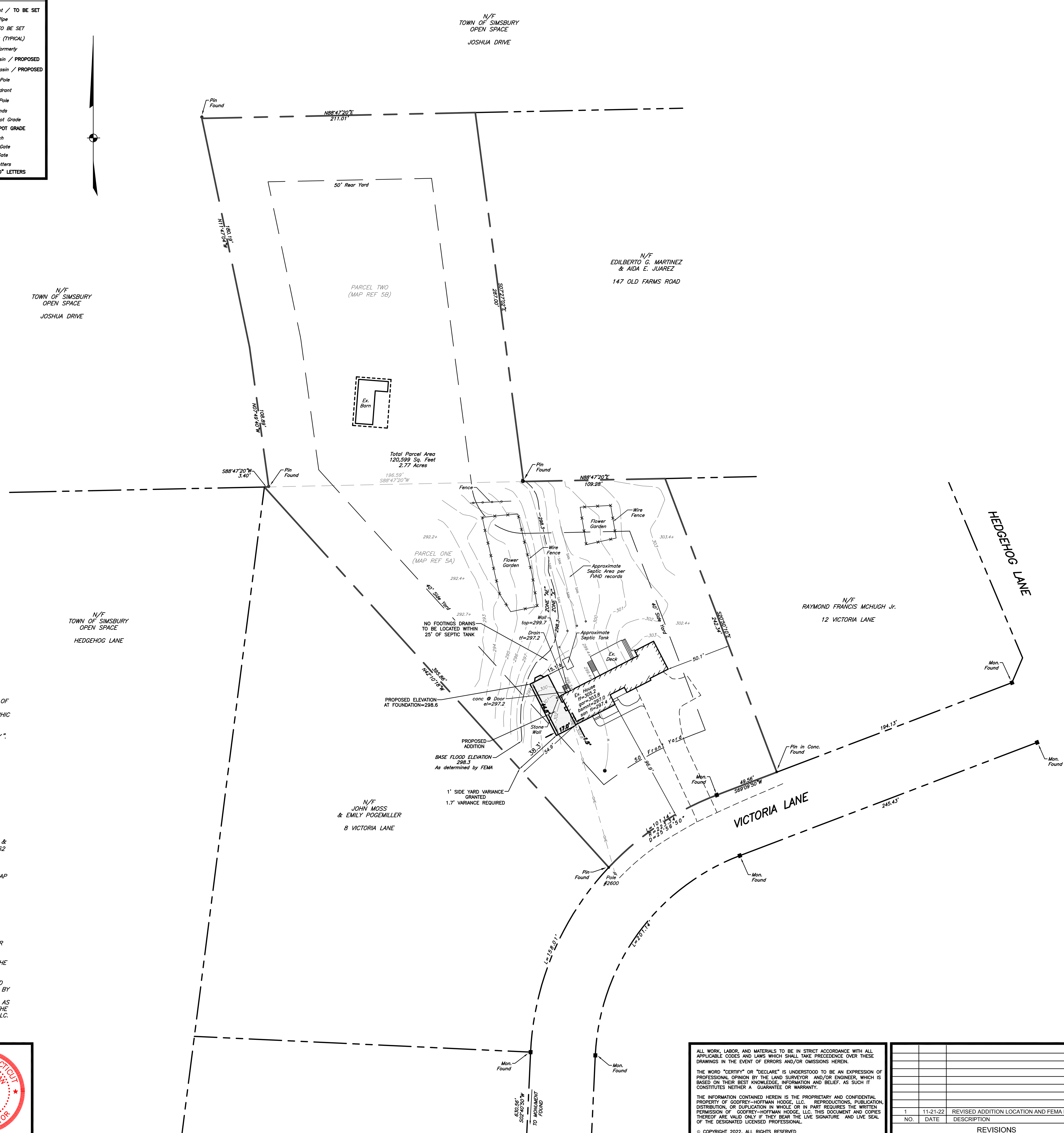
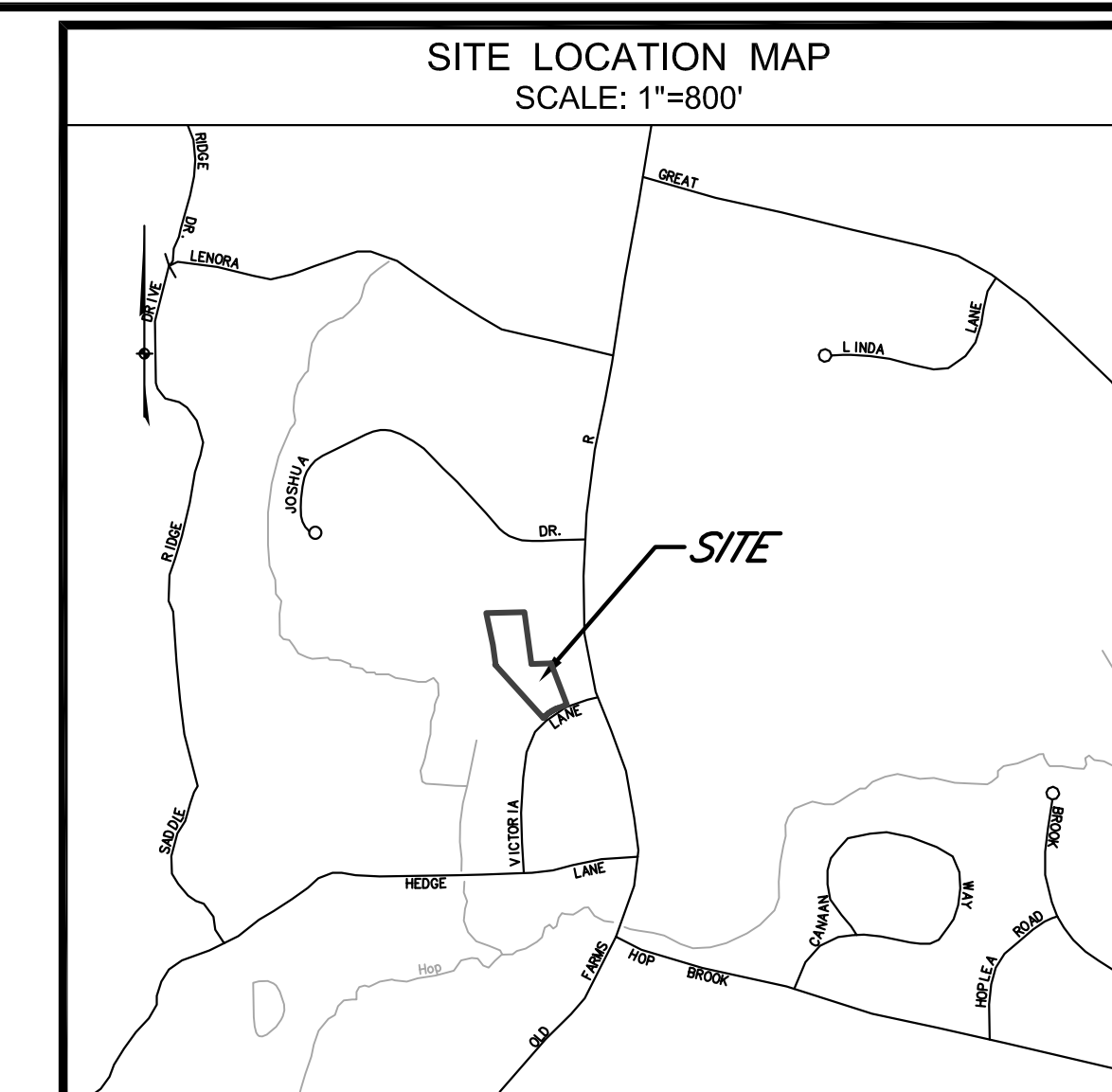
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A handwritten signature in black ink, appearing to read "Rick Sacbbit".

Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

LEGEND

--- Property / Street Line	□ Concrete Monument / TO BE SET
--- Easement / Right of Way Line	○ Iron Pipe
--- Stone Wall	● Iron Pin / TO BE SET
--- Wire / Chain Link Fence	○ LOT NUMBER (TYPICAL)
--- Water Course	N/F Now or Formerly
--- Existing Contour	□ Type 'C' Catch Basin / PROPOSED
--- PROPOSED CONTOUR	□ Type 'C-L' Catch Basin / PROPOSED
--- PROPOSED SILTFENCE	○ Utility Pole
--- UGE Underground Electric Line	○ Fire Hydrant
--- OHW Overhead Wires	○ Light Pole
--- GAS Gas Line	○ Wetlands
--- SANV Sanitary Sewer Line	○ Existing Spot Grade
--- SSWV Storm Sewer Line	○ PROPOSED SPOT GRADE
--- TEL Telephone Line	○ H Hatch
--- W Water Line	○ WPC Water Gate
--- Tree Line	○ GPC Gas Gate
--- Existing Structure	○ Existing Text - Lower Case "italic" Letters
--- PROPOSED CONST. ENTRANCE	○ PROPOSED TEXT - UPPER CASE "BOLD" LETTERS



- NOTES:**
- THIS MAP AND SURVEY HAVE BEEN PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTIONS 20-300B-1 THRU 20-300B-20, THE MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT EFFECTIVE JUNE 21, 1996, AMENDED OCTOBER 26, 2018.
 - THE HORIZONTAL ACCURACY CONFORMS TO CLASS "A-2", AND THE TOPOGRAPHIC ACCURACY CONFORMS TO CLASS "T-2".
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 - REFERENCE MAP(S):
 - MARTELL ADDRESS PROPERTY OF FARMSTEAD INCORPORATED OLD FARMS ROAD & HEDGEHOG LANE - SIMSBURY, CONNECTICUT SCALE 1"=100' JANUARY 8, 1962 HAROLD R. SANDERSON, C.E. & L.S., TOWN MAP #1003
 - MAP OF LAND OWNED BY FRANK H. LITS OLD FARMS ROAD - SIMSBURY, CONNECTICUT SCALE 1"=40' SEPTEMBER 1971 BENEDITO NESCEMBENI, TOWN MAP #1451
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 - PROPERTY IS LOCATED IN FLOOD ZONE(S): "X" (AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN) & "AE" SPECIAL FLOODHAZARD AREA AS DEPICTED ON FEMA FIRMETTE 0900300188F.
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 - UNDERGROUND UTILITY, STRUCTURE AND FACILITY LOCATIONS DEPICTED AND NOTED HEREON MAY HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROLE TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE LOCATIONS OF WHICH ARE UNKNOWN TO GODFREY-HOFFMAN HODGE, LLC. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION. CALL BEFORE YOU DIG 1-800-322-4465.

TO: JOHN L. & ELIZABETH S. MARION

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

ADAM HOFFMAN, L.S. #15168

NOT VALID WITHOUT LIVE SIGNATURE AND SEAL.

ALL WORK, LABOR, AND MATERIALS TO BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES AND LAWS WHICH SHALL TAKE PRECEDENCE OVER THESE DRAWINGS IN THE EVENT OF ERRORS AND/OR OMISSIONS HEREIN.

THE WORD "CERTIFY" OR "DECLARE" IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE LAND SURVEYOR AND/OR ENGINEER, WHICH IS BASED ON THEIR BEST KNOWLEDGE, INFORMATION AND BELIEF, AS SUCH IT CONSTITUTES NEITHER A GUARANTEE OR WARRANTY.

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NO.	DATE	DESCRIPTION
1	11-21-22	REVISED ADDITION LOCATION AND FEMA ELEV.

IMPROVEMENT LOCATION & TOPOGRAPHIC SURVEY
PREPARED FOR
JOHN L. & ELIZABETH S. MARION
10 VICTORIA LANE
SIMSBURY, CONNECTICUT

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DRAWN BY: KRG
CHECKED BY: AH
DATE: 08-12-2022
SCALE: 1"=40'
PROJECT: 22-090
DRAWING:
1 of 1