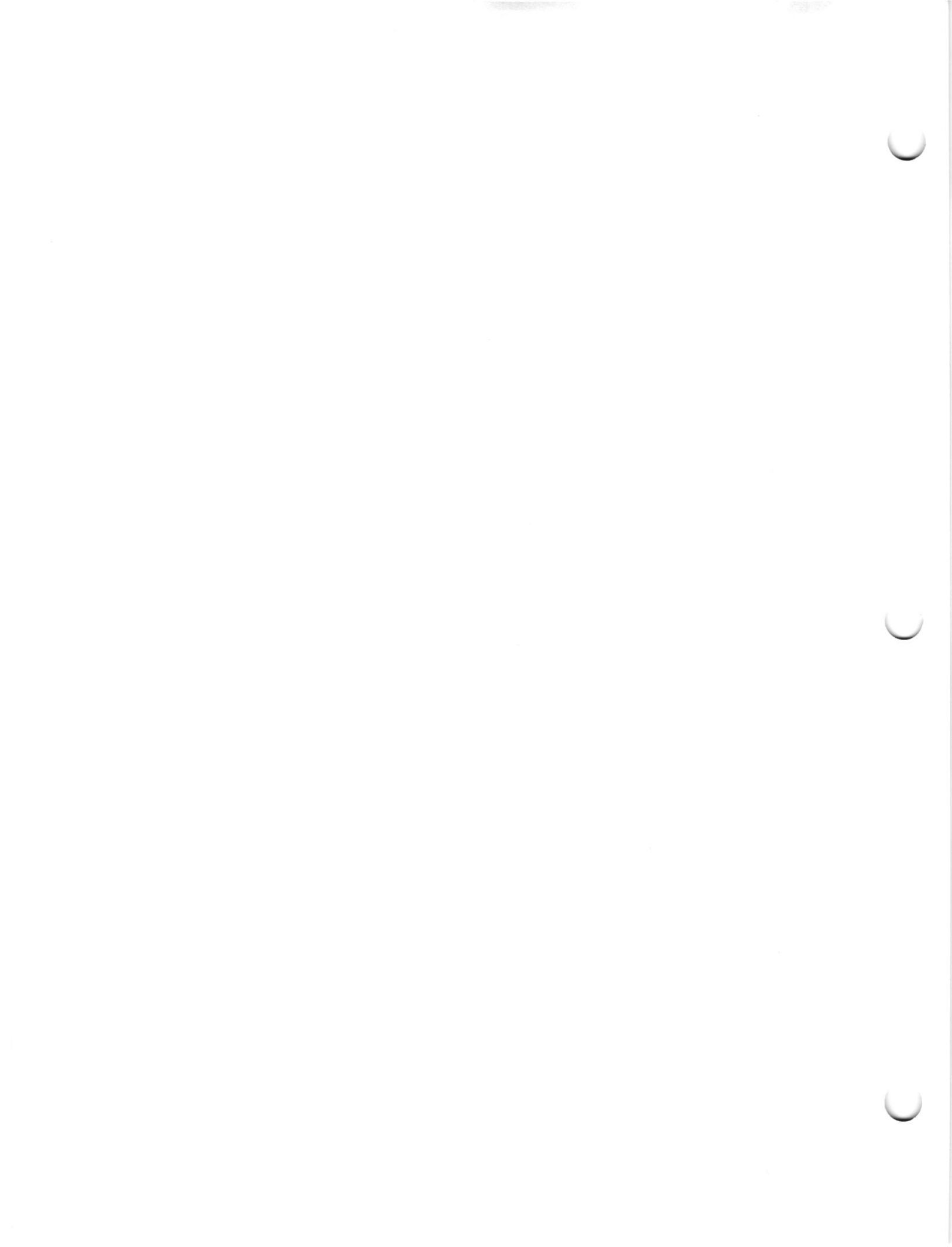


July 26, 2022

AGENDA #2

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM	Public Hearing Staff Report for Floodplain Variance #2022-013
INITIATED BY	Greg & Elizabeth Mackenstadt
SUBJECT	Variance Request from Cascade County Flood- plain Regulations (“CCFR”) § 9.3(1)
PURPOSE	Variance from CCFR § 9.3(1) requiring the lowest floor elevation (including basement) including electrical, heating, duct work, ventilation, plumbing and air conditioning equipment and other services to be two (2) feet above the Base Flood Elevation (BFE). The Design Plan proposes the lowest floor over 7 feet below the BFE.
PROJECT LOCATION	76 Eaton Avenue, Great Falls, MT Lot 6D of Block 1 of the Amended Eaton Suburban Addition, Section 20, Township 20 North, Range 04 East, PMM, Cascade County, MT FIRM Panel #30013C0626E Parcel #2005900
RECOMMENDATION	Denial of Variance Request
PRESENTED BY	Charity N. Yonker, CFM Planning Director/Floodplain Administrator



**STAFF REPORT
CASCADE COUNTY BOARD OF COMMISSIONERS**

**Tuesday, July 26, 2022
9:30 A.M.**

Floodplain Variance #2022-013

Special Information

1. The subject property is described as Parcel #2005900 and located in the Flood Fringe of insurance Zone AE of FEMA's designated Regulated Flood Hazard Area based on Flood Insurance Rate Map (FIRM) Panel #30013C0626E (eff. March 19, 2013).
2. Cascade County Floodplain Permit Application #2022-005 was submitted by Greg & Elizabeth Mackenstadt to build a residential structure on their property following the destruction of their previous home on the property as the result of the Gibson Flats Fire that occurred on December 1, 2021. That Application remains insufficient for a number of reasons:
 - (1) the Elevation Certificate submitted was a previous Elevation Certificate dated 2016 (for undeveloped lot), that was not based on "Construction Designs" for this project and did not all data required, e.g., floor elevations;
 - (2) the Design Plans need to be modified: a) the Design Plans submitted by the Architect for the proposed home does not show the Base Flood Elevation (BFE) or the structural elevations in reference to the BFE; b) the Design Plans submitted shows appliances in the ground-level enclosure;
 - (3) The Engineer's Certification states that floodproofing is being proposed within two (2) feet of ground level, which is not allowed for residential structures in the Flood Fringe (only allowed for non-residential structures) and that the project is designed in compliance with the Cascade County Floodplain Regulation (CCFR) and further provides that the lowest floor is 3351.7, below the Base Flood Elevation showing noncompliance with CCFR § 9.3(1).
3. A variance from zoning was applied for and granted by the Zoning Board of Adjustment on April 21, 2022, from Cascade County Zoning Regulations § 8.6 that requires a Letter of Map Change be obtained from FEMA before any Location/Conformance Permit can be issued for a residential structure in the designated floodplain area. This variance allowed the property owners to consider elevating the structure without being constrained to structural fill only. Essentially, if that variance was not obtained, this floodplain variance would not be a consideration.
4. Thereafter, the Planning Department was informed that the property owners poured the foundation while their Floodplain Permit Application was still pending based on the submitted Design Plans presumably putting the lowest floor at about 3351.7'. On June 15, 2022, the Planning Department in a phone conversation with Mr. Mackenstadt told Mr. Mackenstadt to cease and desist construction. It was stated by Mr. Mackenstadt that he understood and that he would not need a formal cease and desist letter sent to him.
5. The Applicant has requested a variance from CCFR § 9.3 to allow a complete enclosure, consisting of a tuck under one car garage, framed out and finished storage room and laundry facilities. The Engineer working on behalf to the property owners represents that

