

Justin and Lauren Tschoepe
11345 Somerland Way
Houston, TX 77024

July 31, 2024

Piney Point Village Board of Adjustment
Piney Point City Hall
7660 Woodway Dr., Suite 593
Houston, TX 77063

Dear Members of the Board,

We are seeking a variance from the Board of Adjustment from the ordinance located at Chapter 74, Section 244, Regulations (4) Generator, which states that if not located in the existing building lines, a “generator may only be located: (a) On the ground; (b) No less than ten feet from the property line; and (c) at least five feet from the building. No generator shall be located in front of the main structure. The generator must be screened from the public view by shrubbery and be fueled only by natural gas.”

We would like to install an emergency standby generator to provide our family with electricity during emergency situations such as the recent weather events. We have a 6-year-old son and a 3-year-old daughter. The recent Derecho event and Hurricane Beryl showed us that remaining at our house without electricity is not a viable option with our two young kids. In addition, we learned that Piney Point Village will unfortunately be one of the last locations for CenterPoint to direct its resources in major outage situations. We were without power for well over a week in each storm, and I understand we were among the last in Piney Point to receive power both times. Accordingly, a generator is the only way to avoid extended hotel stays (sometimes at multiple locations) or other costly and difficult secondary plans for future severe weather events.

We are requesting that the generator be placed with one edge at 6.3 feet from the property line that borders 11335 Somerland Way. It will be fully enclosed by an existing 7.5-foot-high brick structure on three sides, with at least 5 feet of clearance to the brick in all directions, and our house on the fourth side, again with 5 feet of clearance. The generator is 91 inches long, 39.4 inches wide, and 41 inches high. It will be secured on a concrete pad and screened from the street and neighboring properties by the brick structure described above and existing landscaping in front of the brick. Please see the attached Exhibit A for the proposed location on our survey. Exhibit B shows the proposed placement within the brick structure, and Exhibit C contains pictures of the proposed location and surrounding areas.

I have confirmed with our neighbors at 11335 Somerland Way, the property that would be most impacted, that they have no objections to the proposed placement. We have also received approval from the Marchmont HOA. Both e-mails are attached as Exhibit D.

The location we are requesting is the most feasible spot on our property due to the proximity to both our gas line and electricity entering the house. The generator would be placed within a short distance to both gas and electricity and require minimal disruption to the property. Further, the existing brick walls will mitigate noise and completely shield the generator from view.

Conversely, placement within the existing code requirements without a variance would cause an unnecessary hardship for at least the following reasons:

- Available locations within the building lines on our property are severely limited by the existence of two drainage easements at the rear and west side of our lot. As shown on the survey in Exhibit A, the side of our lot that borders Piney Point Road is encumbered by a 25-foot drainage easement, and the side that borders White Pillars Lane is encumbered by a 40-foot drainage easement. This provides far less space than a traditional lot for placement within the code.
- Because our house and pool lie on the side yard setback lines where gas and electricity are located, placement within the code-permitted area (behind the house/fencing and within the building line) would require us to rip through pool decking in a narrow strip that runs between our master bedroom and the existing pool, if even possible. This area contains underground piping for the pool, electrical, and other equipment and conditions that could pose significant risk to the existing items in the area.
- Our house is an original 1963 home and designed to sit on a distinctly shaped lot at the corner of our cul-de-sac. This has left limited space for generators and similar equipment. Good evidence for this is the existence of the HVAC and pool equipment along the same property line we are requesting in this variance. The existing location of this equipment shows the area we are requesting for the generator is the only feasible spot for this type of equipment.
- Placement anywhere within the existing code requirements, if even possible, would leave the generator exposed and essentially in the middle of our yard. I do not consider this safe for our young children while playing.

For these reasons, we request that the Board of Adjustment grant a variance from the side yard setback requirements for the placement of a generator on our property.

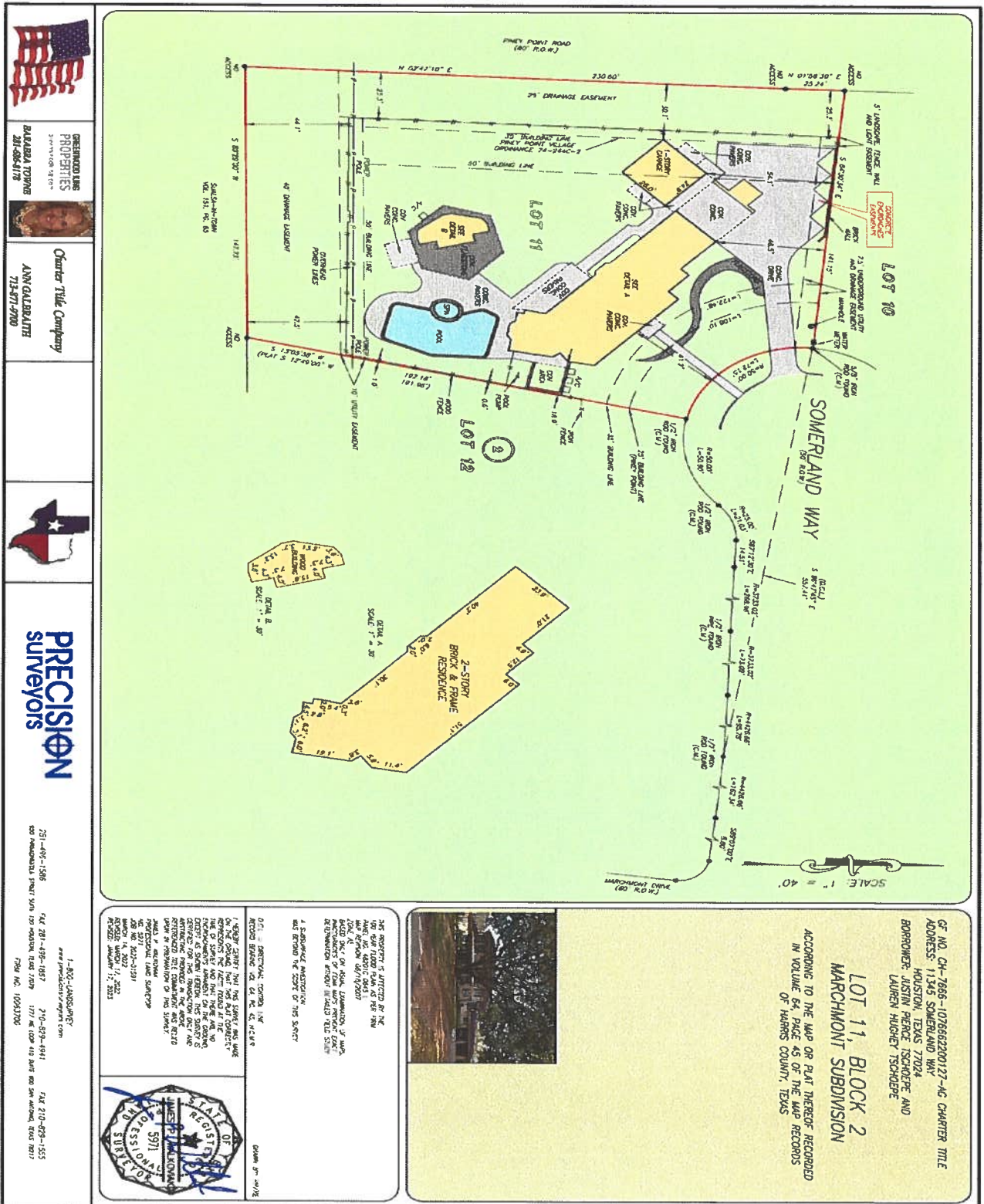
Thank you for your consideration, and we look forward to discussing this with you at the Board's meeting on August 8, 2024, at 6:00 p.m.

Justin and Lauren Tschoepe

Exhibits:

- Exhibit A – Proposed location of generator on survey
- Exhibit B – Detailed proposed location within brick structure
- Exhibit C – Pictures of the proposed location and surrounding areas
- Exhibit D – Confirmation of non-objection from 11335 Somerland Way & HOA approval
- Exhibit E – Generator specifications
- Exhibit F – Copies of letters to neighbors describing variance request

Exhibit A (cont'd) - Unedited Survey



GREENWOOD LANE PROPERTIES
 201-495-1178
BARBARA TOWNE
 201-495-4178

Center Title Company
 ANN CALABRITTE
 713-971-9900



PRECISION
 surveyors

251-495-1586
 251-495-1587
 251-495-1588
 251-495-1589
 251-495-1590
 251-495-1591
 251-495-1592
 251-495-1593
 251-495-1594
 251-495-1595
 251-495-1596
 251-495-1597
 251-495-1598
 251-495-1599
 251-495-1600

LOT 11, BLOCK 2
 MARCHMONT SUBDIVISION
 ACCORDING TO THE MAP ON PLAT THEREOF RECORDED
 IN VOLUME 64, PAGE 45 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS

OF NO. CH-7666-1076662200127-AC CHARTER TITLE
 ADDRESS: 11345 SOMERLAND WAY
 HOUSTON, TEXAS 77024
 BORROWER: JUSTIN PERCE TSCHOEPE AND
 LAUREN HUGHES TSCHOEPE



THE PROPERTY IS INTENDED TO BE
 USED FOR RESIDENTIAL PURPOSES AND
 IS NOT TO BE USED FOR ANY OTHER
 PURPOSES WITHOUT THE WRITTEN
 CONSENT OF THE SURVEYOR.
 THE SURVEYOR HAS CONDUCTED A
 VISUAL INSPECTION OF THE PROPERTY
 AND HAS FOUND NO EVIDENCE OF
 ANY UNLAWFUL ACTS OR OMISSIONS
 THAT WOULD AFFECT THE VALIDITY
 OF THIS SURVEY.
 THE SURVEYOR HAS ALSO FOUND
 NO EVIDENCE OF ANY UNLAWFUL
 ACTS OR OMISSIONS THAT WOULD
 AFFECT THE VALIDITY OF THIS
 SURVEY.

PRECISION SURVEYORS
 251-495-1586
 251-495-1587
 251-495-1588
 251-495-1589
 251-495-1590
 251-495-1591
 251-495-1592
 251-495-1593
 251-495-1594
 251-495-1595
 251-495-1596
 251-495-1597
 251-495-1598
 251-495-1599
 251-495-1600

Exhibit B – Detailed Proposed Location Within Brick Structure

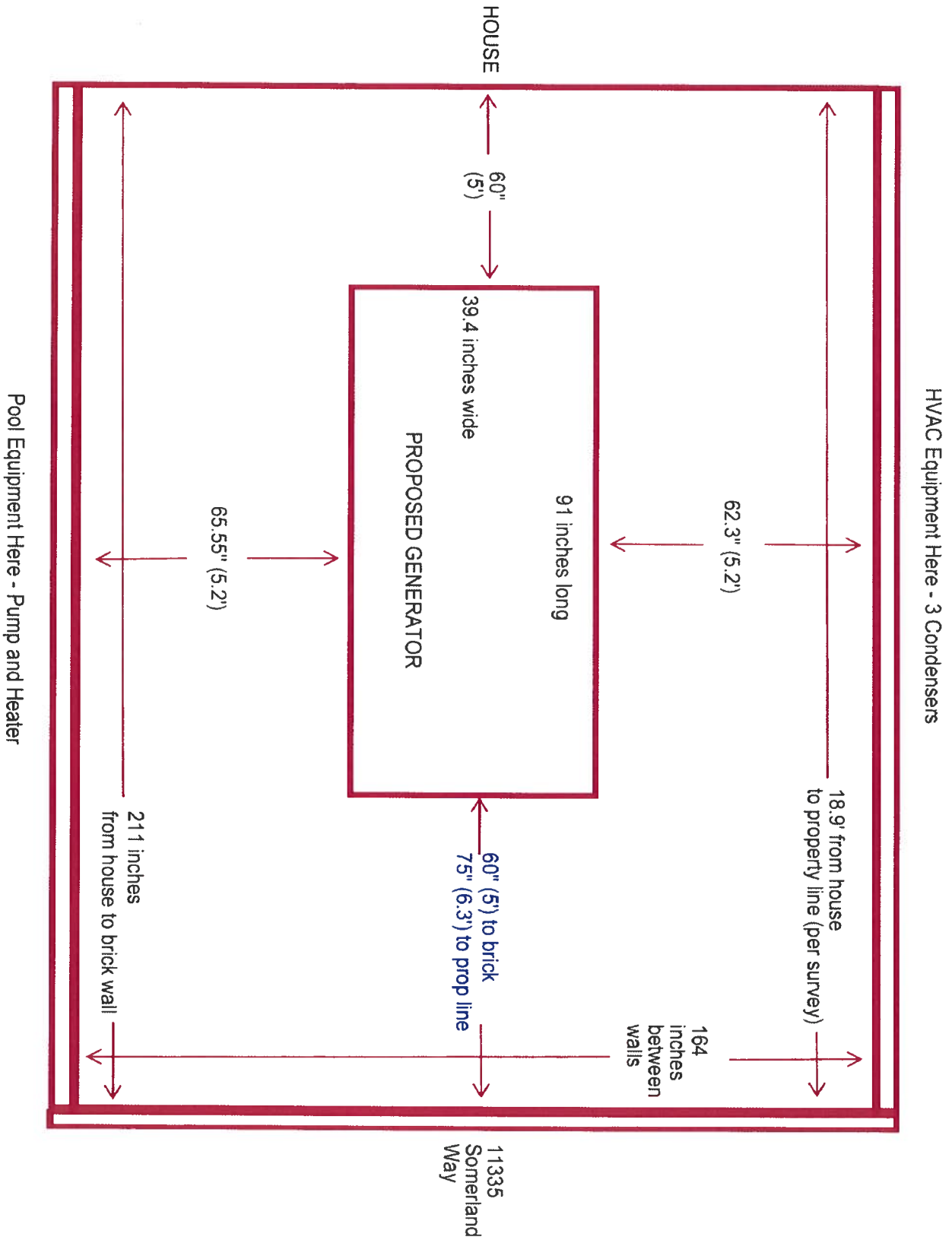


Exhibit C – Pictures of Proposed Location and Surrounding Areas

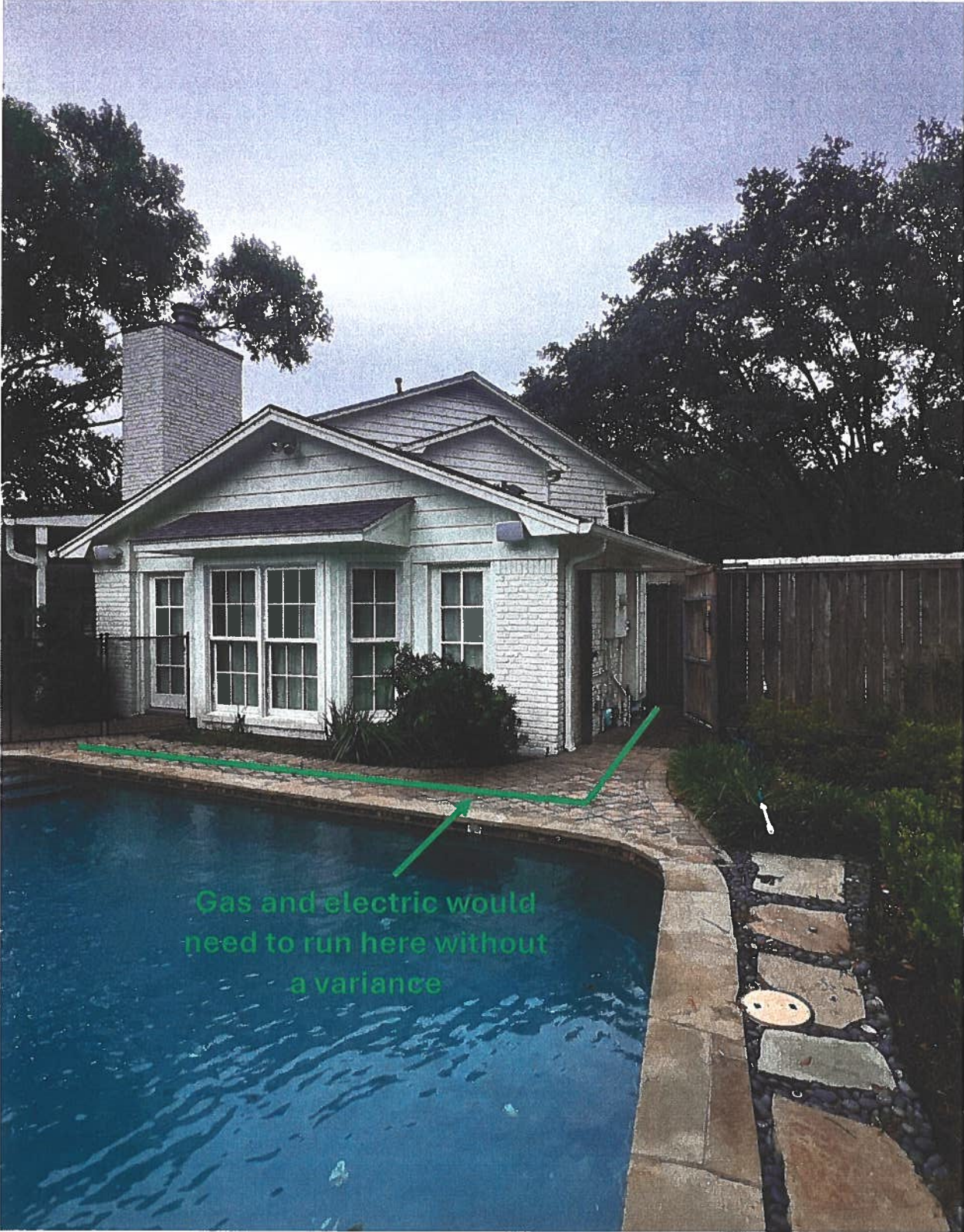
Brick enclosure (white mat not actual size of generator)



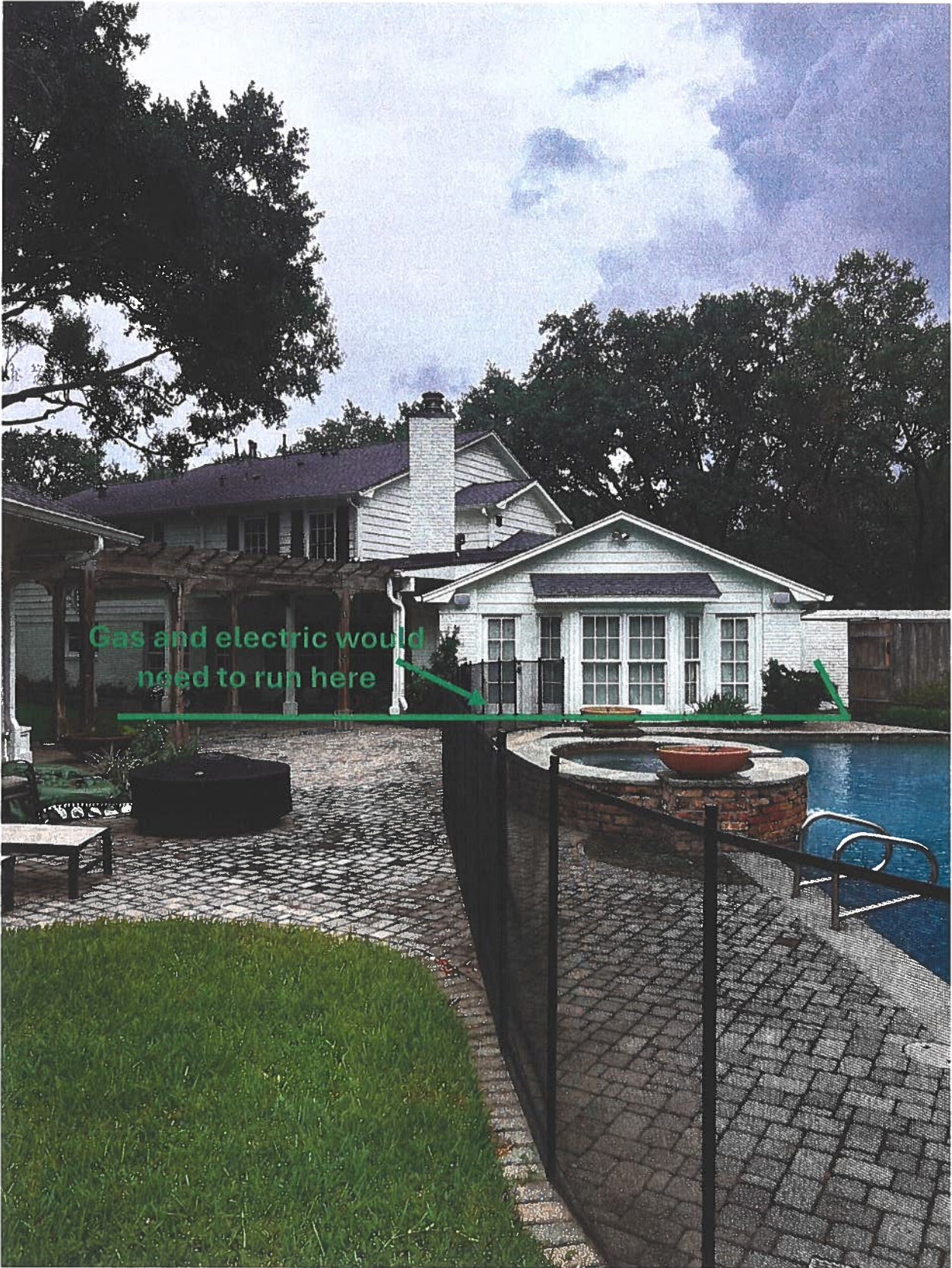
Views of electrical boxes near brick enclosure



Pool and decking outside brick enclosure; view of where electrical and gas would need to run if variance not granted



Path of electrical and gas without a variance



View of brick enclosure from street



Exhibit D – Confirmation of Non-Objection from 11335 Somerland Way & HOA Approval

From: Tschoepe, Justin

Sent: Tuesday, July 23, 2024 4:43 PM

To: chrisw@cawalker.net; David Andrew <david.andrew@autumnlane.com>

Subject: Generator Placement - 11345 Somerland Way

Chris and David,

As Chris knows already, I will be seeking a variance from Piney Point for the placement of a generator on our property. Specifically, I am asking to have the generator placed outside our building line and within 6 feet of the property line that we share with Chris. It will be fully enclosed in a brick structure (brick on 3 sides with our house on the fourth side). I have attached our survey with a red arrow that shows where we intend to put the generator.

The location is the only feasible spot on our property for the generator. That is where our gas and electricity come into the property. Amongst other hardships that I will explain to Piney Point, placing the generator anywhere else within the building line would require ripping up our pool decking in a narrow strip behind our master bedroom to run gas and electric and likely placing the generator in the middle of the yard, if that is even possible.

Obviously I will recuse myself from an HOA vote on this, so please let me know if you both approve the placement here on behalf of the Marchmont HOA. In addition, Chris, can you please respond confirming our prior discussion that you and Pamela individually have no objection to the placement of the generator in the place marked on the survey.

Thanks to both of you. I'm happy to answer any questions.

Justin

Justin P. Tschoepe | Partner | Yetter Coleman LLP

811 Main Street, Suite 4100, Houston, Texas 77002

(D) 713.632.8083 | (M) 210.438.2496

jtschoepe@yettercoleman.com

From: [Chris Walker](#)
To: [David Andrew](#)
Cc: [Tschoepe, Justin](#)
Subject: Re: Generator Placement - 11345 Somerland Way
Date: Thursday, July 25, 2024 7:56:34 PM

Justin,

Pamela and I are fine with it also.

Chris

Sent from my iPhone

On Jul 25, 2024, at 6:52 PM, David Andrew <david.andrew@autumnlane.com> wrote:

I'm fine with it.

David Andrew
Autumn Lane Advisors
7500 San Felipe, Suite 1030
Houston, TX 77063
(713) 636-2075

Notes:

1. **Chris Walker and David Andrew are the other two members (besides Justin Tschoepe) of Marchmont HOA**
2. **Chris and Pamela Walker are the neighbors at 11335 Somerland Way, which is the property line on which the proposed generator would be located**

Exhibit E- Generator Specifications

48
kW



LIQUID COOLED Standby Generators



SPECIFICATIONS

OVERVIEW						
Brand	Briggs & Stratton®					Fortress™
Model Number	076150	076350	076351	076353	076355	076850
Rated Countries	US / Canada					
Rated AC Voltage (Volts)	120 / 240		120 / 208	120 / 240	277 / 480	
Frequency (Hz)	60					
Generator Breaker (Amps)	200		175	150	80	200
Operating Ambient Temperature (°C / °F)	-28 - 40 / -20 - 104					
Running Amperage (LP / NG) (Amps)	200 / 187		166 / 156	144 / 135	72 / 67	
Running Watts ¹ (LP / NG) (kW / kVA)	48/48 / 45/45		48/60 / 45/56.3			48/48 / 45/45
Running Amperage - Continuous Duty International Use Only (LP/NG) (Amps)	160 / 149		132 / 124	115 / 108	57 / 53	
Running Watts - Continuous Duty International Use Only (LP / NG) (kW / kVA)	38.4/38.4 / 36/36		38.4/48 / 36/45			38.4/38.4 / 36/36
Phase	1		3			1
Sound Rating ²						
No Load dB(A)	68					

(cont'd on next page)

Weights & Dimensions

Assembled Dimensions (Length x Width x Height) (In / mm)	91 x 39.4 x 41 / 2311 x 1001 x 1041
Assembled Weight (lbs / kg)	1634 / 741
Packaged Dimensions (Length x Width x Height) (In / mm)	103.9 x 48 x 50.4 / 2638 x 1219 x 1280
Packaged Weight (lbs / kg)	2033 / 922

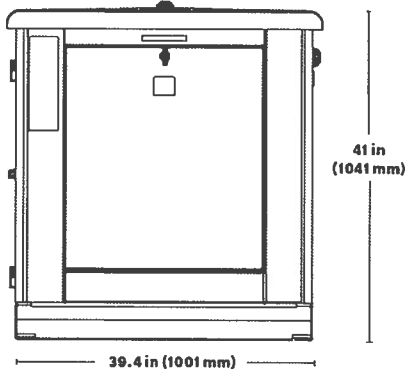
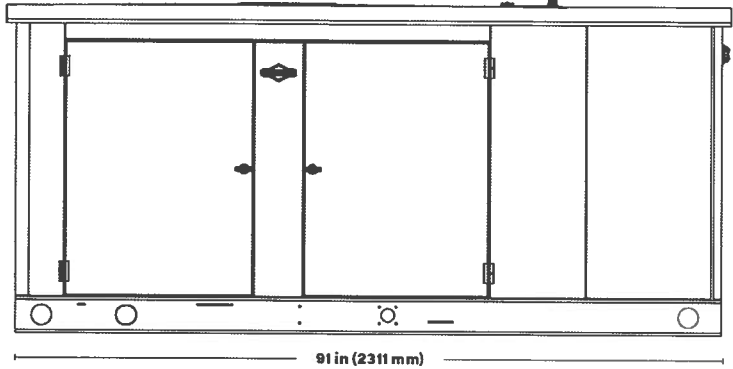


Exhibit F – Neighbor Letters
(Letters Begin on Next Page)

Justin and Lauren Tschoepe
11345 Somerland Way
Houston, TX 77024

July 26, 2024

Arturo and Paola Creixell
11330 Somerland Way
Houston, TX 77024

Dear Arturo and Paola,

We are writing to let you know that we will be meeting with the Piney Point Village Board of Adjustment on Thursday, August 8, 2024, at 6:00 PM to ask for a variance from the generator ordinance for our 15-foot side yard setback. We would like to install an emergency standby generator to provide our family with electricity during emergency situations such as the recent weather events. We are requesting that the generator be placed with one edge at 6 feet from the property line that borders 11335 Somerland Way. It will be fully enclosed by a 7.5-foot-high brick structure on three sides, with appropriate clearance to the brick, and our house on the fourth side, again with appropriate clearance. The generator is 91 inches long, 39.4 inches wide, and 41 inches high. It will be secured on a concrete pad and screened from the street and neighboring properties by the brick structure described above. Please see the attached Exhibit A for the proposed location.

The location we are requesting is the most feasible spot on our property due to the proximity to both our gas line and electricity entering the house. Placement here will avoid unnecessary hardships such as ripping up pool decking to run electrical and gas, significantly disturbing other areas of the property, and creating potential hazards for our children in the yard, if alternative placement is even possible. It would also be located near our existing utility equipment, including HVAC.

We are seeking a variance from the Board of Adjustment from the ordinance located at Chapter 74, Section 244, Regulations (4) Generator, which states that if not located in the existing building lines, a "generator may only be located: (a) On the ground; (b) No less than ten feet from the property line; and (c) at last five feet from the building. No generator shall be located in front of the main structure. The generator must be screened from the public view by shrubbery and be fueled only by natural gas."

If you have any questions or concerns, please contact me at 210-438-2496. I would be glad to discuss this with you in more detail. If you have no objection to the variance, please sign this letter and return a copy to Piney Point City Hall in the enclosed envelope.

The Board meeting will be at its temporary meeting place in Ecclesia Church at 325 Piney Point Road, Houston, Texas 77024. The meeting is in the meeting room next to the church, and will start at 6:00 p.m. on August 8. For a detailed Board Packet, you will be able to find this on the city website at www.cityofpineypoint.com. Please go to Government/Board of Adjustment/Agenda and Minutes Variance Packets. The information will be posted in advance of the August 8 meeting.

Thank you for your consideration.

Justin and Lauren Tschoepe

I have no objection to the proposed variance described above.

Arturo and Paola Creixell

Justin and Lauren Tschoepe
11345 Somerland Way
Houston, TX 77024

July 26, 2024

Chris and Pamela Walker
11335 Somerland Way
Houston, TX 77024

Dear Chris and Pamela,

We are writing to let you know that we will be meeting with the Piney Point Village Board of Adjustment on Thursday, August 8, 2024, at 6:00 PM to ask for a variance from the generator ordinance for our 15-foot side yard setback. We would like to install an emergency standby generator to provide our family with electricity during emergency situations such as the recent weather events. We are requesting that the generator be placed with one edge at 6 feet from the property line that borders your house on 11335 Somerland Way. It will be fully enclosed by a 7.5-foot-high brick structure on three sides, with appropriate clearance to the brick, and our house on the fourth side, again with appropriate clearance. The generator is 91 inches long, 39.4 inches wide, and 41 inches high. It will be secured on a concrete pad and screened from the street and neighboring properties by the brick structure described above. Please see the attached Exhibit A for the proposed location.

The location we are requesting is the most feasible spot on our property due to the proximity to both our gas line and electricity entering the house. Placement here will avoid unnecessary hardships such as ripping up pool decking to run electrical and gas, significantly disturbing other areas of the property, and creating potential hazards for our children in the yard, if alternative placement is even possible. It would also be located near our existing utility equipment, including HVAC.

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Thank you for your consideration.

Justin and Lauren Tschoepe

I have no objection to the proposed variance described above.

Chris and Pamela Walker

Justin and Lauren Tschoepe
11345 Somerland Way
Houston, TX 77024

July 26, 2024

Jay K Raman
6 White Pillars Lane
Houston, TX 77024

Dear Mr. Raman,

We are writing to let you know that we will be meeting with the Piney Point Village Board of Adjustment on Thursday, August 8, 2024, at 6:00 PM to ask for a variance from the generator ordinance for our 15-foot side yard setback. We would like to install an emergency standby generator to provide our family with electricity during emergency situations such as the recent weather events. We are requesting that the generator be placed with one edge at 6 feet from the property line that borders 11335 Somerland Way. It will be fully enclosed by a 7.5-foot-high brick structure on three sides, with appropriate clearance to the brick, and our house on the fourth side, again with appropriate clearance. The generator is 91 inches long, 39.4 inches wide, and 41 inches high. It will be secured on a concrete pad and screened from the street and neighboring properties by the brick structure described above. Please see the attached Exhibit A for the proposed location.

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Thank you for your consideration.

Justin and Lauren Tschoepe

I have no objection to the proposed variance described above.

Jay K Raman

Justin and Lauren Tschoepe
11345 Somerland Way
Houston, TX 77024

July 26, 2024

Jeremy and Kari Walker
11340 Somerland Way
Houston, TX 77024

Dear Jeremy and Kari,

We are writing to let you know that we will be meeting with the Piney Point Village Board of Adjustment on Thursday, August 8, 2024, at 6:00 PM to ask for a variance from the generator ordinance for our 15-foot side yard setback. We would like to install an emergency standby generator to provide our family with electricity during emergency situations such as the recent weather events. We are requesting that the generator be placed with one edge at 6 feet from the property line that borders 11335 Somerland Way. It will be fully enclosed by a 7.5-foot-high brick structure on three sides, with appropriate clearance to the brick, and our house on the fourth side, again with appropriate clearance. The generator is 91 inches long, 39.4 inches wide, and 41 inches high. It will be secured on a concrete pad and screened from the street and neighboring properties by the brick structure described above. Please see the attached Exhibit A for the proposed location.

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Thank you for your consideration.

Justin and Lauren Tschoepe

I have no objection to the proposed variance described above.

Jeremy and Kari Walker

Justin and Lauren Tschoepe
11345 Somerland Way
Houston, TX 77024

July 26, 2024

Randolph and Nancy Mundt
5 White Pillars Lane
Houston, TX 77024

Dear Randolph and Nancy,

We are writing to let you know that we will be meeting with the Piney Point Village Board of Adjustment on Thursday, August 8, 2024, at 6:00 PM to ask for a variance from the generator ordinance for our 15-foot side yard setback. We would like to install an emergency standby generator to provide our family with electricity during emergency situations such as the recent weather events. We are requesting that the generator be placed with one edge at 6 feet from the property line that borders 11335 Somerland Way. It will be fully enclosed by a 7.5-foot-high brick structure on three sides, with appropriate clearance to the brick, and our house on the fourth side, again with appropriate clearance. The generator is 91 inches long, 39.4 inches wide, and 41 inches high. It will be secured on a concrete pad and screened from the street and neighboring properties by the brick structure described above. Please see the attached Exhibit A for the proposed location.

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Justin and Lauren Tschoepe

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Randolph and Nancy Mundt

Justin and Lauren Tschoepe
11345 Somerland Way
Houston, TX 77024

July 26, 2024

Zachary and Alexandra Inman
11325 Somerland Way
Houston, TX 77024

Dear Zachary and Alexandra,

We are writing to let you know that we will be meeting with the Piney Point Village Board of Adjustment on Thursday, August 8, 2024, at 6:00 PM to ask for a variance from the generator ordinance for our 15-foot side yard setback. We would like to install an emergency standby generator to provide our family with electricity during emergency situations such as the recent weather events. We are requesting that the generator be placed with one edge at 6 feet from the property line that borders 11335 Somerland Way. It will be fully enclosed by a 7.5-foot-high brick structure on three sides, with appropriate clearance to the brick, and our house on the fourth side, again with appropriate clearance. The generator is 91 inches long, 39.4 inches wide, and 41 inches high. It will be secured on a concrete pad and screened from the street and neighboring properties by the brick structure described above. Please see the attached Exhibit A for the proposed location.

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Justin and Lauren Tschoepe

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Zachary and Alexandra Inman