



2500047

# ADMINISTRATIVE VARIANCE APPLICATION

APPLICATION TO APPLY FOR AN ADMINISTRATIVE VARIANCE

RECEIVED

MAR 21 2025

CITY OF SNELLVILLE  
PLANNING & DEVELOPMENT

City of Snellville  
Planning & Development Department  
2342 Oak Road, 2<sup>nd</sup> Floor  
Snellville, GA 30078  
Phone 770.985.3513 [www.snellville.org](http://www.snellville.org)

DATE RECEIVED: \_\_\_\_\_

CASE # **AV** 25-01

**Applicant** is: (check one)  
 Owner's Agent  
 Contract Purchaser  
 Property Owner

**Owner** (if not the applicant):  check here if there are additional property owners and attach additional sheets.

Sharday and Sascha Moser

Name (please print)  
2693 Skyland Drive

Name (please print)

Address  
Snellville, GA 30078

Address

City, State, Zip Code  
702-524-2376

City, State, Zip Code

Phone Number(s) Fax

Phone Number(s) Fax

Contact Person: Sharday Moser Phone: 702-524-2376 Fax: \_\_\_\_\_

Cell Phone: 678-207-9328 E-mail: themosers2017@gmail.com

Property Address/Location: 2696 Church Street, Snellville GA 30078 District \_\_\_\_\_ Land Lot \_\_\_\_\_ Parcel R5037 351

Subdivision or Project Name: 2696 Church Street Lot: \_\_\_\_\_ Block: \_\_\_\_\_

Proposed Development: N/A Building Permit Number: \_\_\_\_\_

UDO Sec. 103-8. Administrative Variances. The Planning Director may modify the following standards during development review (check all that apply):

- Nonconforming Structures
- Front yard or street side yard (103-8.1.A.1.) 5 feet maximum
- Rear yard setback (103-8.1.A.3.) 4 feet maximum
- Interior side yard setback (103-8.1.A.2.) 2 feet maximum
- Building height (max. number of stories allowed may not be increased) (103-8.1.A.4.) 5 feet maximum
- Sidewalk setback (103-8.1.A.6.) 0 foot maximum
- Side or rear yard – a variance for a zero foot setback may be granted when part of a commercial development and planned as a unit having similar architectural composition and not a miscellaneous assemblage of stores, provided however, that prior to any issuance of the variance, the applicant shall obtain written approval from the affected side and/or rear yard property owner(s) (103-8.1.A.5.)
- Exceed 35% of the front yard area for a driveway to meet min. 22-foot front and side (street) setback for garage door and/or driveway width and length standards in the BTR Districts (201.1.6.D.).
- Relief from the Enhanced Architectural Standards of Sec. 201-4.
- Inter-parcel access (when vehicular cross-access is deemed impractical based on topographical or natural features) (401-3.4.H.).
- Stream buffer and setback requirements for single-family residential lots of record platted before 5-23-2005 (403-1.4.)
- Stream buffer and setback requirements for lots of record as of 10-28-1997 in the Big Haynes Creek Watershed (403-1.5.).

### Application Fees:

**\$100.00 per requested variance PLUS fees for Public Notice Sign AND Notice to Adjoining Property Owners  
\$75 per Sign and \$15 per Adjoining Property Owner**

## CRITERIA FOR APPROVAL

The applicant must demonstrate, and the Director must find, that all of the following criteria are present when approving a request for an administrative variance:

- A. There are clear and compelling reasons that are not purely financial demonstrating that the required standard cannot be met;
- B. The variance is the minimum amount necessary to meet the objectives identified above; and
- C. The requested adjustment will not contravene the public interests or negatively impact adjoining properties.
- D. And any additional criteria provided in the UDO and which is specific to the following:
  1. Sec. 201-1.6.D. (Driveways)
  2. Sec. 201-4. (Enhanced Architectural Standards)
  3. Sec. 401-3.4.H. (Inter-parcel Access)
  4. Sec. 403-1.4. (Stream Buffer and Setback Requirements)
  5. Sec. 403-1.5. (Stream Buffer and Setback Requirements in the Big Haynes Creek Watershed)

## SUBMITTAL and PUBLIC NOTICE REQUIREMENTS

**SUBMITTAL REQUIREMENTS:** Any application for administrative variance, and/or waiver must be submitted by 4:00 p.m. fifty (50) calendar days before the date on which it is to be considered by the Director. Please review the Public Hearing Calendar for submittal deadlines and hearing dates. The application submittal must contain the following:

1. Written narrative detailing the administrative variance request, related code section, and hardship levied as a result of the UDO requirement and demonstration that approval criteria is present.
2. Site plan, drawn to scale, showing: property lines with dimensions; any improvements, structures and buildings; location of the requested variance; building setbacks; easements, public water, sewer, or storm drainage facilities traversing or located on the property; limits of the 100-year floodplain; and any applicable buffers.
3. Two (2) stapled or bound copies of the application and any supporting documents and exhibits.
4. One (1) unbound application bearing original notarized signatures.
5. A digital copy in .pdf format of all materials must be submitted using email, flash drive, or other means approved by the Director.
6. Verification by Gwinnett County and the City of Snellville that all county and city property taxes owed have been paid and account is current.
7. Warranty deed, security deed, or quit claim deed for all lots/parcels subject to the application.
8. Map indicating the subject property(ies) and the adjacent properties, identified by tax parcel number.
9. Payment of application fee and public notification fees (public notice sign and notice to adjoining property owners) as determined by the Department fee schedule.
10. An initiating party must also file any other information or supporting materials that are required by the City Council, and/or the Department (i.e. building elevation, rendering, floor plan, etc.).

**PUBLIC NOTIFICATIONS:** The Planning Department must provide notice of the date, time and place of the public hearing as follows:

1. **LEGAL AD:** Published in the Gwinnett Daily Post which carries the legal advertisements of the City, by advertising the application and date, time, place and purpose of the public hearing not fewer than 30-days, nor more than 45- days before the date of the public hearing.
2. **NOTICES TO ADJOINING PROPERTY OWNERS:** Notification to the owners of adjoining properties of the property for which the variance, or waiver is sought and/or their agent by first class USPS mail to the mailing address provided by the Gwinnett County Tax Commissioner's office. The notification must be mailed not fewer than 30-days, nor more than 45-days before the public hearing. The notification must include a description of the application and the date, time, and place of the public hearing.
3. **PUBLIC NOTICE SIGN:** Posting of a Public Notice Sign on the property, one sign per road frontage, per parcel, posted at least 30-days before the public hearing. The sign must include a description of the application and the date, time, and place of the public hearing.

Once advertised the public hearing must be held. Any party may appear in person, or by agent or attorney.

Any person aggrieved by a decision of the Director may appeal to the Snellville Board of Zoning Appeals in accordance with Sec. 103-7.3. (Administrative Decision Appeals).

### APPLICATION CERTIFICATIONS

In the event an owner's agent or contract purchaser is filing this application, both certifications below must be completed. If the property owner is filing the application, both certifications must be completed.

#### APPLICANT CERTIFICATION

The undersigned below, is authorized to make this application and swears and affirms that the information provided herein is true and correct to the best of his/her knowledge and belief and that any person aggrieved by a decision of the Director may appeal to the Snellville Board of Zoning Appeals in accordance with UDO Sec. 103-7.3.

[Signature] \_\_\_\_\_ MAR 21, 2025  
Signature of Applicant Date

SHARADAY MOSER, OWNER  
Type or Print Name and Title

[Signature] 03/21/2025  
Signature of Notary Public Date

Notary Seal

Katia McKay  
NOTARY PUBLIC  
GWINNETT COUNTY, GEORGIA  
My Commission Expires 05/19/2028

#### PROPERTY OWNER CERTIFICATION

The undersigned below, is the owner of the property considered in this application as it is shown in the records of Gwinnett County, Georgia and the City of Snellville, Georgia. I authorize the person named above to act as applicant in the pursuit of obtaining a variance(s) for this property.

[Signature] \_\_\_\_\_ MAR 21, 2025  
Signature of Owner Date

SHARADAY MOSER, OWNER  
Type or Print Name and Title

[Signature] March 21 2025  
Signature of Notary Public Date

Notary Seal

Katia McKay  
NOTARY PUBLIC  
GWINNETT COUNTY, GEORGIA  
My Commission Expires 05/19/2028

\*\*\*\*\* FOR OFFICE USE ONLY \*\*\*\*\*

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_ Total Fees Paid: \_\_\_\_\_ Original RCVD:  YES  NO  
2 Copies RCVD:  YES  NO  
Legal Ad Requested (Date): \_\_\_\_\_ for Publication on (Date) \_\_\_\_\_ PUBLIC HEARING DATE & TIME: \_\_\_\_\_  
Public Notice Sign(s) Requested (Date): \_\_\_\_\_ for Posting by (date): \_\_\_\_\_ APO Notice Mailing (date): \_\_\_\_\_  
Comments: \_\_\_\_\_

\* \* \* \* \* FINDINGS BY THE PLANNING DIRECTOR \* \* \* \* \*

The Director, having reviewed this Administrative Variance application and accompanying statements and exhibits, hereby finds the following:

GENERAL CRITERIA FOR APPROVAL	YES	NO
1. The applicant has provided clear and compelling reasons that are not purely financial demonstrating that the required standards cannot be met.		
2. The variance is the minimum amount necessary to meet the objectives in Sec. 103-8.1 (General).		
3. The requested variance (adjustment) will not contravene the public interests.		
4. The requested variance (adjustment) will not negatively impact adjoining properties.		
DRIVEWAYS (SEC. 201.1-6.D.)	Not-Applicable <input type="checkbox"/>	YES NO
1. No more than 35% of the front yard area may be used for driveways or authorized on-site parking. The Director is authorized to grant administrative variances to the requirement in order to meet the following requirements:		
2. All garage doors facing a public street or private street must observe a minimum 22-foot front and side (street) setback from sidewalk in all residential districts.		
3. Build to Rent (BTR) residential districts require a minimum 24-foot wide driveway and minimum 30-foot driveway length, measured from inside edge (house side) or sidewalk to garage door.		
ENHANCED ARCHITECTURAL STANDARDS (SEC. 201.4.)	Not-Applicable <input type="checkbox"/>	YES NO
1. Administrative variances may only be granted to permit a practice that is not consistent with a specific provision of these regulations, but is justified by the following:		
2. The purpose of the applicable zoning and overlay district.		
3. The policies of the Comprehensive Plan.		
4. Administrative variances relating to a physical element or numeric measurement must be based upon credible submitted evidence demonstrating that:		
5. Approval, if granted, would not offend the purposes of the applicable district.		
6. There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of the regulations would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the applicant.		
7. Relief, if granted would not cause a substantial detriment to the public good and surrounding properties.		
8. That the public safety, health, and welfare are secured, and that substantial justice is done.		
INTER-PARCEL ACCESS (SEC. 401-3.4.H.)	Not-Applicable <input type="checkbox"/>	YES NO
1. When cross-access for vehicles is deemed impractical by the Director based on topography, the presence of natural features, or vehicular safety factors, relief from the requirement for cross-access may be granted by administrative variance. However, bicycle and pedestrian connections must be provided between abutting parcels when cross-access relief is granted.		
STREAM BUFFER AND SETBACK REQUIREMENTS (SEC. 403-1.4.)	Not-Applicable <input type="checkbox"/>	YES NO
1. Administrative variances from the requirements of this section on single-family residential lots of record platted before May 23, 2005, may be granted if the applicant submits a residential site drainage plan approved by the Director, in accordance with the following:		
2. The lot or parcel's shape, topography, or other existing physical condition prevents land development consistent with this section, and the Director finds and determines that the requirements of this section prohibit the otherwise lawful use of the property by the owner.		
3. If a variance is requested from the required 50-foot undisturbed natural vegetative stream buffer, the request is for 10% or less (5 feet or less) of the required buffer.		
4. If a variance is requested from the required, additional 25-foot impervious surface setback, the request is for 20% or less (5 feet or less) of the required, additional setback, and no impervious cover is proposed within the reduced, additional setback.		
5. If an applicant is requesting a variance from both the undisturbed natural vegetative stream buffer and the required, additional 25-foot impervious surface setback, and the requests meet all the criteria listed above, the Director may grant an administrative variance for both requests.		
6. Additional water quality treatment practices appropriate for single-family residential lots, such as the incorporation of bio-retention areas, pervious paving that is at least 40% pervious, and sustainable landscaping, may be allowed by approval of the Director.		

BIG HAYNES CREEK STREAM BUFFER & SETBACK (SEC. 403-1.5.) Not-Applicable <input type="checkbox"/>		YES	NO
I. All lots or parcels of record as of October 28, 1997, in the Big Haynes Creek Watershed and all lots or parcels which have been submitted by way of preliminary plat and approved by the Department in accord with the provisions of the 1985 Zoning Resolution of Gwinnett County, as of October 28, 1997, within the Big Haynes Creek Watershed, that are made unbuildable by the stream buffer and setback provisions, may still be developed on a case-by-case basis. Requests for development of these lots must be made to the Director as administrative variances. If development is allowed, the maximum possible impervious surface setback and stream buffer width, given the configuration of the lot, must be maintained.			

No variance shall be considered or authorized to:

- A. Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district.
- B. Conflict with or change any requirement enacted as a condition of zoning or of a special use permit approved by the Mayor and Council.
- C. Reduce, waive or modify in any manner the minimum lot area established by the Unified Development Ordinance in any zoning district or established by the Mayor and Council through a special condition of approval.
- D. Permit the expansion or enlargement of any nonconforming situation or nonconforming use requiring a special use permit.
- E. Permit the re-establishment of any nonconforming situation or nonconforming use as regulated in Sec. 103-11 (Nonconformities).

**DECISION OF THE PLANNING DIRECTOR**

**THE ADMINISTRATIVE VARIANCE APPLICATION HAS BEEN REVIEWED BY THE UNDERSIGNED AND BASED ON THE ABOVE CRITERIA FOR APPROVAL, THE REQUESTED VARIANCE(S) LISTED BELOW BY SECTION IS/ARE:**

UDO Sec. \_\_\_\_\_  APPROVED  DENIED  
 UDO Sec. \_\_\_\_\_  APPROVED  DENIED  
 UDO Sec. \_\_\_\_\_  APPROVED  DENIED  
 UDO Sec. \_\_\_\_\_  APPROVED  DENIED

COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

BY: JASON THOMPSON, DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_  
 DEPARTMENT OF PLANNING AND DEVELOPMENT, CITY OF SNELLVILLE, GEORGIA

Any person aggrieved by a decision of the Director may appeal to the Snellville Board of Zoning Appeals in accordance with Sec. 103-7.3. of the Snellville Unified Development Ordinance.

Subject: Administrative Variance Request for Subdivision of Property

To: City of Snellville Planning and Development Department

From: Sharday Moser

Date: March 20, 2025

RE: Request for Administrative Variance to Subdivide Property at 2696 Church Street, Snellville, GA (Parcel ID R5037 351)

Dear Planning and Development Team,

We respectfully submit this request for an administrative variance to allow the subdivision of our property located at 2696 Church Street, Snellville, GA (Parcel ID R5037 351) into three individual parcels. The existing property presently contains three separate residential structures on one lot. Our goal is to bring the property closer to compliance with the City of Snellville's Unified Development Ordinance (UDO) by creating individual lots that better align with zoning requirements.

**Proposed Subdivision Plan:**

- Lot 1: Two existing single-family residences (requiring variance approval)
- Lot 2: One existing single-family residence
- Lot 3: Vacant land

We are seeking a variance under Section 103-8.1 – A.7 of the City of Snellville Unified Development Ordinance (UDO), which governs residential zoning requirements for single-family lots. The UDO restricts more than one primary dwelling unit on a single parcel in residential zones. Due to the existing layout of the structures, we request this variance to retain two homes on Lot 1 while ensuring compliance in other zoning aspects such as lot size and frontage requirements. The requested adjustment would not contravene the public interests or negatively impact adjoining properties.

**Hardship Justification:** Our request for this variance is based on the unique hardship presented by the property's current configuration. The three existing homes were constructed prior to the adoption of the UDO and have historically coexisted on the same parcel. Additionally, Gwinnett County will not approve the subdivision request to place each house on its own separate lot because it does not meet the minimum requirements for usable soil per the Gwinnett Environmental Office. Strict enforcement of the UDO without granting this variance would create an undue hardship by requiring demolition or relocation of one of the homes, resulting in a significant financial burden and potential displacement of tenants.

Approving this variance would:

- Align the property more closely with the city's zoning framework
- Improve clarity in property ownership, utility access, and maintenance responsibilities
- Enhance property value and tax assessment accuracy



Property Tax [View Pay Your Ta...](#)

## View/Pay Your Taxes

### Account Details

[Back to Search](#)

**Parcel ID :**  
R5037 351

**Property Type :**  
Real Property

**Site Address :**  
2696 CHURCH ST  
SNELLVILLE 30078

**Mailing Address :**  
MOSEY SHARDAY  
2693 SKYLAND DR  
SNELLVILLE GA 30078-3301

[Change Mailing Address](#)

**Legal :**  
SKYLAND DRIVE

**District :**  
SNELLVILLE

**Last Update :**  
03/19/2025 08:09 PM

No payment due for this account.

### Tax Bills

[Click here](#) to view and print your 2024 tax bill.

Year	Net Tax	Total Paid	Fees	Penalty	Interest	Due Date	Amount Due
<a href="#">2024</a>	\$4,526.08	\$4,526.08	\$0.00	\$0.00	\$0.00	10/15/2024	\$0.00
<a href="#">2023</a>	\$3,595.20	\$3,595.20	\$0.00	\$0.00	\$0.00	10/15/2023	\$0.00
<a href="#">2022</a>	\$3,798.06	\$3,798.06	\$0.00	\$0.00	\$0.00	11/01/2022	\$0.00
<a href="#">2021</a>	\$3,674.92	\$3,674.92	\$0.00	\$0.00	\$0.00	10/15/2021	\$0.00
<a href="#">2020</a>	\$4,302.96	\$4,302.96	\$0.00	\$0.00	\$0.00	12/01/2020	\$0.00
<a href="#">2019</a>	\$3,917.30	\$3,917.30	\$0.00	\$0.00	\$0.00	10/15/2019	\$0.00
<a href="#">2018</a>	\$3,341.50	\$3,341.50	\$0.00	\$0.00	\$0.00	10/15/2018	\$0.00
<a href="#">2017</a>	\$3,366.63	\$3,366.63	\$0.00	\$0.00	\$0.00	10/15/2017	\$0.00
<b>Total</b>							\$0.00





Snellville, GA  
 2342 Oak Rd  
 Snellville, GA 30078  
 (770) 985-3508

# 2024 Property Tax Bill

Parcel ID	Tax District	Bill #
R5037 351	10 - City of Snellville	005573
Property Owner/Location/Description	Fair Market Value	Taxable Value
MOSER SHARDAY 2723 SKYLAND DR	353,600	141,440
Levies	Taxable Value	- Exemptions = Net Assessment X Tax Rate = Net Tax
City of Snellville	141,440	0 = 141,440 X 4.0000000000 = \$565.76
2024 STORMWATER		\$156.25

**Exemptions:**

Tax Bills are not automatically sent to mortgage companies; therefore, if your taxes are paid through escrow, please forward this bill to your mortgage company.

All taxes and stormwater fees that are delinquent and paid after December 15, 2024 are subject to interest and penalties as allowed by law. FIFA costs are applied to delinquent property taxes after March 15, 2025.

The City will accept partial payments as long as the balance is paid in full by December 15th.

IF THIS TAX NOTICE INDICATES A PAST DUE AMOUNT, PLEASE CONTACT US TO DETERMINE PAYOFF AMOUNT.

ACCOUNT INFORMATION IS AVAILABLE ONLINE AT [WWW.SNELLVILLE.ORG](http://WWW.SNELLVILLE.ORG)

Current Year Tax	\$722.01
Interest	\$0.00
Penalty	\$0.00
Other Fees	\$0.00
Payments Received	\$722.01
Other Amounts Due	\$0.00
<b>Total Due</b>	<b>\$0.00</b>
Due Date	12/16/2024



**Snellville, GA**  
 2342 Oak Rd  
 Snellville, GA 30078

*\*Make check or money order payable to: City of Snellville*  
*\*Write the Tax Parcel ID Number on your check*  
*\*Full payment must be made by the due date*  
*\*Mailed payments will be posted using the official postmark date*  
*\*Taxes may be paid online by visiting [www.snellville.org](http://www.snellville.org)*  
*\*Convenience fees may apply to all credit/debit card payments*

Parcel ID: R5037 351  
 Amount Due: \$0.00  
 Bill#: 005573  
 Due Date: 12/16/2024

AMOUNT PAID

SHARDAY MOSER  
 2723 SKYLAND DR  
 SNELLVILLE, GA 30078-3759

**Snellville, GA**  
 2342 Oak Rd  
 Snellville, GA 30078



Tiana P Garner, Clerk of Superior Court  
Gwinnett County, GA

ERECORDED  
eFile Participant IDs: 8274269752,7067927936

PREPARED BY:  
O'Kelley & Sorohan, Attorneys at Law, LLC  
2336 Wisteria Drive, Suite 320  
SNELLVILLE, GA. 30078

**\*\*Deed Preparation Only\*\***  
**\*\*No Warranty of Title\*\***

STATE OF GEORGIA  
COUNTY OF GWINNETT

**QUITCLAIM DEED**  
**for**  
**RELEASE of SECURITY DEED**

THIS INDENTURE, made this 10<sup>th</sup> day of May 2023 between

**Barbara Martin LeClair**

as party or parties of the first part, hereinafter called Grantor, and

**Sharday Moser and Sascha Moser**

as party or parties of the second part, hereinafter called Grantee (the words, "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 AND OTHER GOOD AND VALUABLE CONSIDERATION (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does hereby bargain, sell, remise, release, and forever quit-claim unto Grantee all the right, title, interest, claim or demand which the said Grantor has, or may have had, in and to the following described property, to-wit:

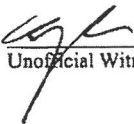
**All that tract or parcel of land described in Exhibit A attached hereto and incorporated herein.**

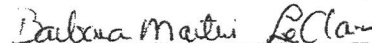
**The debt having been PAID IN FULL, the purpose of this Quitclaim Deed is to DIVEST, CANCEL, and RELEASE any and all interest of Grantor in and to the above-referenced property by virtue of that Security Deed dated November 10, 2022 as recorded in Deed Book 60304, Page 252, Gwinnett County, Georgia Records.**


TO HAVE AND TO HOLD the said described premises unto the said Grantee, so that neither the Grantor, nor any other person or persons claiming under Grantor shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed this 10<sup>th</sup> day of  
May 2023 in the presence of:

  
Unofficial Witness

  
Barbara Martin LeClair

  
Notary Public  
My Commission Expires:

[Affix Seal]



DEED B: 60304 P: 00250  
11/14/2022 12:57 PM Pgs: 2 Fees: \$305.00  
TTax: \$280.00  
Tiana P Garner, Clerk of Superior Court  
Gwinnett County, GA  
PT-61 #: 0672022034477  
RECORDED  
eFile Participant IDs: 8274269752,7067927936

Return to:  
O'Kelley & Sorohan, Attorneys at Law, LLC  
2336 Wisteria Drive, Suite 320  
Snellville, GA 30078  
File No.: 13-224645-REG

STATE OF GEORGIA  
COUNTY OF GWINNETT

### LIMITED WARRANTY DEED

THIS INDENTURE, made on 10th day of November, 2022, between

**Barbara Martin LeClair**

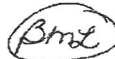
(hereinafter referred to as "Grantor") and

**Sharday Moser and Sascha Moser, as joint tenants with rights of survivorship**

(hereinafter referred to as "Grantee"), the words "Grantor" and "Grantee" to include the heirs, executors, legal representatives, successors and assigns of said parties where the context requires or permits; WITNESSETH:

THAT Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee,

All that tract or parcel of land lying and being in Land Lot 37 and 38 of the 5th District, Gwinnett County, Georgia, and being shown as Tract 1 on plat of survey for Windell Martin by Gordon C. Story, Jr., Georgia R.L.S. No. 2076, dated January 10, 2002 and being more particularly described as follows: To find the true point of beginning, begin at the point where the westerly right of way of Skyland Drive (40 foot R/W) intersects the northerly right of way of Adella Court (R/W unknown); proceed thence northwesterly along the westerly right of way of Skyland Drive 474.99 feet to a point; thence North 57 degrees, 38 minutes, 27 seconds East 5.05 feet to a point and the TRUE POINT OF BEGINNING; proceed thence South 57 degrees, 38 minutes, 27 seconds West 639.58 feet to a point; and thence North 27 degrees, 50 minutes, 54 seconds west 445.03 feet to an open top pipe found; thence North 27 degrees, 30 minutes, 30 seconds, West 153.88 feet to a point; thence North 28 degrees, 0 minutes, 35 seconds West 454.01 feet to an iron pin set; thence North 84 degrees, 45 minutes, 19 seconds East 729.80 feet to an iron pin set on the westerly right of way of Skyland Drive; thence South along the right of way 710.07 feet to an iron pin found; thence South 72 degrees, 53 minutes, 31 seconds West 293.72 feet to an iron pin found; thence South 47 degrees, 55 minutes, 35 seconds East 32.24 feet to an iron pin set; thence South 26 degrees, 20 minutes, 28 seconds East 43.26 feet to an iron pin set; thence South 12 degrees, 44 minutes, 42 seconds East 60.95 feet to an iron pin set; thence South 12 degrees, 18 minutes, 28 seconds East 54.40 feet to an iron pin found; thence North 72 degrees, 29 minutes, 20 seconds East 141.41 feet to an iron pin found; thence North 32 degrees, 24 minutes, 57 seconds East 35.50 feet to an iron pin found; thence North 67 degrees, 15 minutes, 50 seconds East 114.03 feet to an iron pin set; thence southeasterly along the westerly right of way of Skyland Drive 119.73 feet to a point and the TRUE POINT OF BEGINNING. According to said survey this tract contains 14.770 acres. LESS AND EXCEPT all that tract or parcel of land lying and being in Land Lot 38 of the 5th Land District of Gwinnett County, Georgia being more particularly described as follows: Beginning at a point located on the westerly right of way of Skyland Drive (40 foot right of way) which point is located 1037.32 feet as measured along said right of way in northerly direction from the intersection of the westerly right of way of Skyland Drive and the northerly right of way of Adella Court; thence running south 67 degrees 16 minutes 21 seconds west a distance of 295.22 feet to a point; thence running south 64 degrees 09 minutes 57 seconds west a distance of 258.01 feet to a point; thence running south 59 degrees 16 minutes 18 seconds west a distance of 152.02 feet to a point located on the easterly right of way of Church Street (30 foot right of way); thence running north 28 degrees 00 minutes 35 seconds west a distance of 422.03 feet to a point; thence running north 64 degrees 45 minutes 19 seconds east a distance of 729.80 feet to a point; located on the westerly right of way of Skyland Drive (40 foot right of way); thence running along said right of way in a southeasterly direction and following the curvature thereof an arc distance of 417.90 feet said arc having a radius of 2365.23 feet and being subtended by a chord having a bearing of south 24 degrees 31 minutes 56 seconds east a distance of 417.35 feet to the point of beginning. Said tract of land containing 6.807 acres and being designated as Tract 6 on a boundary survey for Gwinnett County Board of Education prepared by Gordon Story & Associates dated September 8, 2003 which plat is incorporated herein by reference for a more particular description. ALSO LESS AND EXCEPT all that tract or parcel of land lying and being in Land Lots 37 and 38 of the 5th District, Gwinnett County, Georgia, and being shown as Tract 1 on Plat of survey for Daniel J. LeClair by Gordon C. Story, Jr., Georgia Registered Land Surveyor, dated September 30, 2003 and being more particularly described as follows: To find the true point of beginning, begin at the point where the westerly right of way of Skyland Drive (40 foot R/W) intersects the northerly right of way of Adella Court; proceed thence in a northwesterly direction along the westerly right of way of Skyland Drive 474.99 feet to a point; thence North 57 degrees, 38 minutes, 27 seconds East 5.05 feet to a point; thence northwesterly an arc distance of 119.73 feet to an iron pin set said arc being subtended by a chord bearing North 33 degrees, 08 minutes, 36



seconds West, a distance of 119.38 feet; thence South 67 degrees, 15 minutes, 50 seconds West 114.03 feet to an iron pin found; thence South 32 degrees, 24 minutes, 57 seconds West 35.50 feet to an iron pin found; thence South 72 degrees, 29 minutes, 20 seconds West 141.41 feet to an iron pin found; thence North 12 degrees, 18 minutes, 28 seconds West 54.40 feet to an iron pin set; thence North 12 degrees, 44 minutes, 42 seconds West 60.95 feet to an iron pin set; thence North 26 degrees, 20 minutes, 28 seconds West 43.26 feet to an iron pin set; thence North 47 degrees, 55 minutes, 35 seconds West 32.24 feet to an iron pin found and the TRUE POINT OF BEGINNING; thence North 42 degrees, 46 minutes, 50 seconds West 47.00 feet to an iron pin set; thence North 61 degrees, 21 minutes, 10 seconds West 25.97 feet to an iron pin set; thence North 39 degrees, 54 minutes, 58 seconds West 95.03 feet to an iron pin set; thence North 22 degrees, 10 minutes, 08 seconds West 101.59 feet to an iron pin set; thence North 64 degrees, 09 minutes 57 seconds East 88.26 feet to an iron pin set; thence North 87 degrees, 16 minutes, 21 seconds East 295.22 feet to an iron pin set; thence southeasterly an arc distance of 173.82 said arc being subtended by a chord bearing South 17 degrees, 21 minutes, 55 seconds East 173.78 feet; thence South 15 degrees, 15 minutes, 36 seconds East 118.35 feet to an iron pin found; thence South 72 degrees, 53 minutes, 31 seconds West 293.72 feet to a point and the TRUE POINT OF BEGINNING.

TOGETHER WITH all and singular the rights, members and appurtenances thereto (hereinafter collectively referred to as the "Premises"), the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of Grantee.

Subject to all easements, rights of way, and restrictive covenants of record (hereinafter referred to as the "Exceptions").

TO HAVE AND TO HOLD the Premises, subject to the Exceptions, to the only proper use, benefit and behoof of Grantee, forever, in FEE SIMPLE, and Grantor will, subject to the Exceptions, warrant and forever defend the right and title to the Premises unto Grantee against the claims of all person claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has executed this instrument under seal, as of the date first above written.

Signed, sealed and delivered  
in the presence of:

Emme Hunt  
Unofficial Witness

Barbara Martin LeClair  
Barbara Martin LeClair

mm  
Notary Public  
Commission expires: 8/3/2026



DEED B: 60304 P: 00252

11/14/2022 12:57 PM Pgs: 14 Fees: \$25.00

ITax: \$0.00

Tiana P Garner, Clerk of Superior Court  
Gwinnett County, GA

ERECORDED

eFile Participant IDs: 8274269752,7067927936

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## SECURITY DEED

### DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "**Security Instrument**" means this document, which is dated November 10, 2022, together with all Riders to this document.

(B) "**Borrower**" is **Sharday Moser and Sascha Moser**. Borrower is the grantor under this Security Instrument.

(C) "**Lender**" is **Barbara Martin LeClair**. Lender is the grantee under this Security Instrument.

(D) "**Note**" means the promissory note signed by Borrower and dated November 10, 2022. The Note states that Borrower owes Lender **One Hundred Fifty Thousand (\$150,000.00)**. Borrower has promised to pay this debt in on or before **May 1, 2023 (maturity date)**.

(E) "**Property**" means the property that is described below under the heading "Transfer of Rights in the Property."

(F) "**Loan**" means the debt evidenced by the Note, plus interest, if applicable, and late charges due under the Note, and all sums due under this Security Instrument.

(G) "**Riders**" means all riders to this Security Instrument that are executed by Borrower. The following riders are to be executed by Borrower [check box as applicable]:

Adjustable Rate Rider                       Condominium Rider                       Second Home Rider

Balloon Rider                                       Planned Unit Development Rider

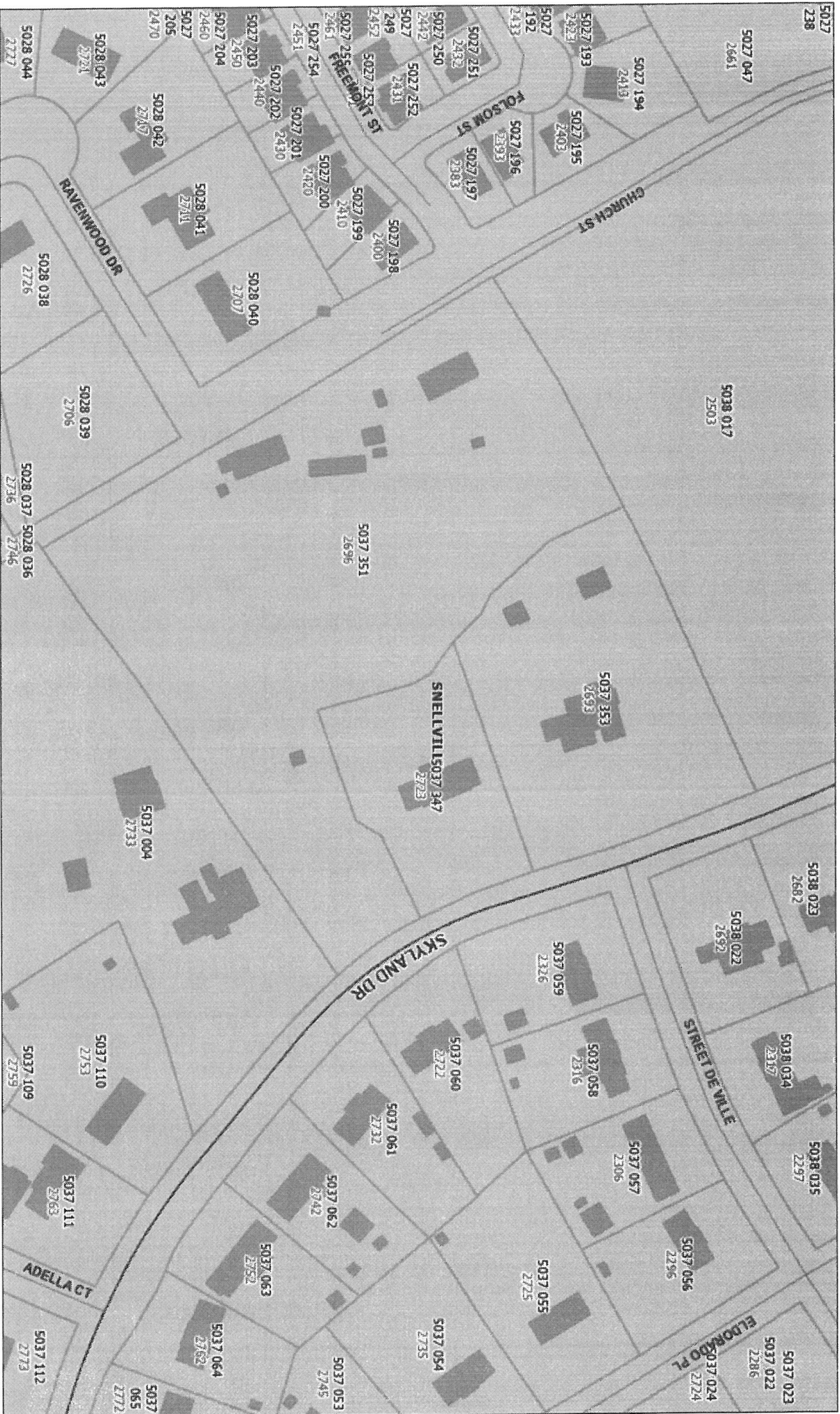
1-4 Family Rider                                       Biweekly Payment Rider

Other(s) [Specify] Waiver of Borrower's Rights

(H) "**Applicable Law**" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(I) "**Community Association Dues, Fees and Assessments**" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(J) "**Electronic Funds Transfer**" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine



**2696 Church St, Snellville GA - Parcel R5037 351**



**Gwinnett**

3/20/2025 5:14:21 PM



ALL DATA IS PROVIDED AS IS, WITH ALL FAULTS, WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. This map is the proprietary product of Gwinnett County and in no event will Gwinnett County be liable for damages, including any loss of profits, lost savings, or other incidental or consequential damages arising out of the use of or inability to use this map.



## Sec. 103-8. Administrative Variances

### 103-8.1. General

- A. The Director may modify the following standards during development review:
1. **Front yard or street side yard.** Variance not to exceed five (5) feet. [redacted]
  2. **Interior side yard.** Variance not to exceed two (2) feet. [redacted]
  3. **Rear yard.** Variance not to exceed four (4) feet. ✓
  4. **Height of building.** Variance not to exceed five (5) feet, provided the maximum number of stories allowed may not be increased. ✗
  5. **Side or rear yard.** A variance for a zero (0) foot setback may be granted when part of a commercial or mixed-use development and planned as a unit with a similar architectural composition and not a miscellaneous assemblage of stores, provided, however, that before any issuance of the variance, the applicant must obtain approval from the affected side and/or rear yard property owner(s). ✗
  6. **Sidewalk setback.** Variance for a zero (0) foot setback ✗
  7. **The one exception would cover nonconforming structures.** Structures that preceded this UDO and do not conform to it may be granted an administrative variance not identified in clauses 1 through 6 above when ownership is changing and the mortgage company requires conformity to the UDO. [redacted]
- B. The Director may also modify other standards as specifically provided in this UDO in Sec. 201-1.6.D (Driveways); 201-3.1 (General Architectural Standards); 201-4 (Enhanced Architectural Standards); 401-3.4.H (interparcel Access); 403-1.4 (Stream Buffer and Setback Requirements); and 403-1.5.E (Lots of Record in Big Haynes Creek Watershed) so long as the procedures, notice requirements, and criteria for approval are followed as stated herein.
- C. Any other modification beyond those contained in paragraphs A or B above must be considered by the Board of Appeals as a variance.

### 103-8.2. Criteria for Approval

The applicant must demonstrate, and the Director must find, that all of the following criteria are present when approving a request for an administrative variance:

- A. There are clear and compelling reasons that are not purely financial demonstrating that the required standard cannot be met;
- B. The variance is the minimum amount necessary to meet the objectives identified above; and
- C. The requested adjustment will not contravene the public interests or negatively impact adjoining properties.
- D. And any additional criteria provided in this UDO and sections identified in Sec. 103-8.1.B

### 103-8.3. Procedure

- A. Any application for administrative variance, and/or waiver must be submitted by 4:00 p.m. fifty (50) calendar days before the date on which it is to be considered by the Director. The application submittal must contain the following:
  - a. Written narrative detailing the administrative variance request, hardship levied as a result of the UDO requirement and demonstration that approval criteria is present.
  - b. Site plan, drawn to scale, showing: property lines with dimensions; any improvements, structures and buildings; location of requested variance; building setbacks; easements, public water, sewer, or storm drainage facilities traversing or located on the property; limits of the 100-year floodplain; and any applicable buffers.
  - c. Two (2) stapled or bound copies of the application and any supporting documents and exhibits.
  - d. One (1) unbound application bearing original signatures.
  - e. A digital copy in .pdf format of all materials must be submitted using email, flash drive, or other means approved by the Director.
  - f. Verification by Gwinnett County and the City of Snellville that all county and city property taxes owed have been paid and account is current.
  - g. Warranty deed, security deed, or quit claim deed for all lots/parcels subject to the application.
  - h. Map indicating the subject property(ies) and the adjacent properties, identified by tax parcel number.
  - i. Payment of application fee and public notification fees (public notice sign and notice to adjoining property owners) as determined by the Department fee schedule.
  - j. An initiating party must also file any other information or supporting materials that are required by the City Council, and/or the Department.
- B. Public Notifications. The Department must provide notice of the date, time and place of the public hearing as follows:
  - a. Legal ad published in the newspaper which carries the legal advertisements of the City, by advertising the application and date, time, place and purpose of the public hearing not fewer than thirty (30) days, nor more than forty-five (45) days before the date of the public hearing.
  - b. Notification to the owners of adjoining properties of the property for which the variance, or waiver is sought and/or their agent by first class USPS mail to the mailing address provided by the Gwinnett County Tax Commissioner's office. The notification must be mailed not fewer than thirty (30) days, nor more than forty-five (45) days before the public hearing. The notification must include a description of the application and the date, time, and place of the public hearing.
  - c. Posting of a Public Notice Sign on the property, one sign per road frontage, per parcel, posted at least thirty (30) days before the public hearing. The sign must include a description of the application and the date, time, and place of the public hearing.
- C. Once advertised the public hearing must be held. Any party may appear in person, or by agent of attorney.



- D. Any person aggrieved by a decision of the Director may appeal to the Board of Appeals in accordance with Sec. 103-7.3.