

CALAVERAS BROADENS HOMEOWNERS' RIGHTS TO BUILD ON PROPERTY

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SAN ANDREAS - Building a second home or in-law cottage behind an existing house just got easier in Calaveras County.

In particular, an ordinance that the Calaveras County Board of Supervisors approved unanimously Tuesday makes it possible to build second units in many more places. Previously, county code limited second units to lots of an acre or larger.

The new code, in contrast, sets no minimum lot size and allows a second unit on any lot zoned for single-family homes.

"I think there is a lot of potential here," said Supervisor Debbie Ponte. "It might help spur the economy a little bit."

Planning Director Rebecca Willis said she proposed changes in Calaveras County's rules for second dwellings in order to comply with state law.

The goal of state law, she said, is to make it easier for people to build small second dwellings in existing neighborhoods where they already have utilities, land and access to schools and services.

The new code makes building such units a right, which allows applicants for second-dwelling building permits to avoid cumbersome public hearings for which notices were previously sent to neighbors of the proposed home site.

Supervisor Darren Spellman said he had a "grin on his face" when he read the new code language because of the obstacles he encountered 10 years ago when he applied to build a second house on a lot owned by his wife's parents.

"The Planning Department at that time took issue with that," Spellman said. Despite that, Spellman said, he was able to persuade county officials that state law allowed second units. He said he still lives in the resulting home.

County officials said that property owners have the right to build second units even if they are within the boundaries of a homeowners association that has attempted to ban such units.

"Basically, the county ignores any homeowners association restrictions on accessory dwellings," said county counsel Janis Elliott.

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