

99012106007001

# Building law deviations, applying for exceptions and exemptions

Heruntergeladen am 23.06.2025

<https://fimportal.de/xzufi-services/6005483/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99012106007001
Leistungsbezeichnung I	Building law deviations, applying for exceptions and exemptions
Leistungsbezeichnung II	Building law deviations, applying for exceptions and exemptions
Typisierung	4 - Land: Regelung
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> <li>• § 67 Absatz 1 oder 2 Sächsische Bauordnung (SächsBO) – Antrag auf Abweichungen</li> <li>• § 70 SächsBO - Beteiligung von Nachbarn</li> <li>• § 31 Absatz 1 oder 2 Baugesetzbuch (BauGB) – Antrag auf Ausnahme oder Befreiung</li> <li>• Sächsisches Kostenverzeichnis (SächsKVZ), lfd. Nr. 17 – Baurecht</li> </ul>
Teaser	Does your (building) project deviate from the legal requirements of building regulations or building planning law? Then you must apply and justify this separately.
Volltext	<p>Application for deviation in accordance with section 67(1) or (2) of the Sächsische Bauordnung (SächsBO) or exemption in accordance with section 31(1) or (2) of the Baugesetzbuch (BauGB)</p> <p>Does your (building) project deviate from the legal requirements of building regulations or building planning law? Then you must apply and justify this separately.</p> <p>After appropriate examination, the authorities can issue authorisations for</p> <ul style="list-style-type: none"> <li>• Deviations from building regulations</li> <li>• Exceptions or exemptions from the provisions of a development plan, an urban development statute or the Building Utilisation Ordinance</li> </ul> <p>The regulation applies to all projects, regardless of whether they require authorisation, do not require authorisation or are exempt from procedures or deviate from regulations that are not themselves examined in the authorisation procedure.</p>
Erforderliche Unterlagen	Depending on the type of application, for example:

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- Site plan with written part
- Extract from the property map
- Construction drawings
- Building description
- Further attachments as required, for example proof of consent from neighbours for the granting of deviations, exemptions

The building experts supporting you will tell you which documents the authority requires in detail. The authority will request any missing documents.

## Voraussetzungen

A deviation from local building regulations may be authorised if it is

- is compatible with public interests.
- The purpose of the respective requirement that is to be deviated from must also be taken into account and the neighbouring interests protected under public law must be considered

An exception to building regulations (stipulations of a development plan or other urban development statutes or regulations of the Building Utilisation Ordinance) may be permitted if it is expressly provided for in terms of type and scope.

An exemption from the provisions of the development plan may be authorised if

- the main features of the planning are not affected and
- reasons of public welfare, including the housing needs of the population and the need to accommodate refugees or asylum seekers, require the exemption or
- the deviation is justifiable from an urban planning perspective or
- the implementation of the development plan would lead to an obviously unintended hardship and
- is also compatible with public interests when neighbouring interests are taken into account.

## Kosten

- Procedural fee according to expenditure

You can find out the exact amount of the fee from your

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responsible authority.

## Verfahrensablauf

You can submit your application for a derogation, exception or exemption online (-> Online application) or in writing using the prescribed form (-> Forms and other offers), depending on the regulations of the respective authority.

### Online Application

To be able to use the online service, you must be registered for a bundID account.

- Follow the link above under -> Online application and log in to your bundID account on the start page.
- First select your role (client, design author, representative) and, if necessary, invite other parties to process the online application.
- The majority of the building documents are submitted via attachments in PDF format, including property map, site plan, construction drawing, building description, neighbour's consent. The individual documents can be uploaded to the designated department in the online application using drag & drop.
- If all mandatory fields have been filled in correctly at each department in the online application, the persons involved (e.g. client and designer) can sign off.
- The signatures of the persons involved are replaced by secure identification and authentication via the bundID user account.

### Written Application

You can obtain the prescribed form here via Amt24 (-> Forms and other offers).

- Compile the required documents; complete the form sheets, print the application and sign it.
- Submit the complete application documents in triplicate to the department responsible.

### Examination

- The authority will check your submitted application; if

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	<p>documents are missing or there are other deficiencies, you will be given a reasonable period of time to complete them.</p> <ul style="list-style-type: none"> <li>• If the documents are complete and the requirements are met, the authority will grant you authorisation for a derogation, exception or exemption.</li> </ul>
Bearbeitungsdauer	
Frist	none
weiterführende Informationen	
Hinweise	
Rechtsbehelf	Appeal (details on the procedure in the official notification)
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	