

99012106007001, 99012106007001

# Applying for deviations from building law requirements, from the provisions of a development plan or an urban development statute or from the provisions of the Land Use Ordinance for building projects that are not exempt from procedure

Heruntergeladen am 23.06.2025

<https://fimportal.de/xzufi-services/104262855/L100010>

Modul	Sachverhalt
Leistungsschlüssel	99012106007001, 99012106007001
Leistungsbezeichnung I	Applying for deviations from building law requirements, from the provisions of a development plan or an urban development statute or from the provisions of the Land Use Ordinance for building projects that are not exempt from procedure
Leistungsbezeichnung II	Applying for deviations from building law requirements, from the provisions of a development

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	plan or an urban development statute or from the provisions of the Land Use Ordinance for building projects that are not exempt from procedure
Typisierung	4 - Land: Regelung
Quellredaktion	Saarland
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Baurecht (012)
Verrichtungskennung	Zulassung (007)
SDG-Informationsbereich	Kauf und Verkauf von Immobilien, einschließlich aller Bedingungen und Pflichten im Zusammenhang mit der Besteuerung, dem Eigentum oder der Nutzung von Immobilien (auch als Zweitwohnsitz)
Lagen Portalverbund	Hausbau und Immobilienerwerb (1050100), Bauplanung (2050400), Bauverfahren (2050500)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	10.01.2025
Fachlich freigegeben durch	Ministry of the Interior, Building and Sport
Handlungsgrundlage	<a href="https://recht.saarland.de/bssl/document/jlr-BauOSL2004V16P68">https://recht.saarland.de/bssl/document/jlr-BauOSL2004V16P68</a> <a href="https://recht.saarland.de/bssl/document/jlr-BauOSL2004V14IVZ">https://recht.saarland.de/bssl/document/jlr-BauOSL2004V14IVZ</a> <a href="https://recht.saarland.de/bssl/document/jlr-BauVorlVS L2011rahmen">https://recht.saarland.de/bssl/document/jlr-BauVorlVS L2011rahmen</a> <a href="https://www.gesetze-im-internet.de/bbaug/">https://www.gesetze-im-internet.de/bbaug/</a> <a href="https://recht.saarland.de/bssl/document/jlr-BauOSL2004V16P68">https://recht.saarland.de/bssl/document/jlr-BauOSL2004V16P68</a> <a href="https://recht.saarland.de/bssl/document/jlr-BauOSL2004V16P68">https://recht.saarland.de/bssl/document/jlr-BauOSL2004V16P68</a> <a href="https://recht.saarland.de/bssl/document/jlr-BauOSL2004V14IVZ">https://recht.saarland.de/bssl/document/jlr-BauOSL2004V14IVZ</a>

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<https://recht.saarland.de/bssl/document/jlr-BauVorlVS L2011rahmen>  
<https://www.gesetze-im-internet.de/bbaug/>  
<https://recht.saarland.de/bssl/document/jlr-BauOSL20 04V16P68>

## Teaser

## Volltext

If your (building) project deviates from building regulations (e.g. from the state building regulations (LBO), from the provisions of a development plan, an urban development statute or the land use regulations), it is possible for you to apply separately for approval of the deviation. This applies both to building projects that require approval and those that do not. Even if the regulations that are to be deviated from are not examined in the approval procedure, approval must still be applied for. The lower building supervisory authority can then grant you approval for a deviation, exception or exemption under certain conditions.

This decision is subject to a fee.

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## Erforderliche Unterlagen

Further documents depending on the individual case (e.g. for isolated deviations):

- Extract from the official real estate map and the site plan

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- construction drawings

Calculation of the permitted, existing and planned extent of building use for building projects within the scope of a development plan that contains provisions on this.

Further documents depending on the individual case (e.g. for isolated deviations):

- Extract from the official real estate map and the site plan
- construction drawings

Calculation of the permitted, existing and planned extent of building use for building projects within the scope of a development plan that contains provisions on this.

## Voraussetzungen

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

- is compatible with public interests (in particular the general requirements of Section 3 LBO).
- the purpose of the respective requirement to be deviated from is taken into account and the neighboring interests protected under public law are taken into account.

An exception to building regulations (provisions of a development plan or other urban development statutes or regulations of the Land Use Ordinance) may be permitted if it

- is expressly provided for in terms of type and scope

Exemption from the provisions of the development plan 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 in terms of urban development or the implementation of the

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development plan would lead to an obviously unintended hardship and is compatible with public interests in accordance with §31 BauGB, also taking into account neighboring interests.

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- the purpose of the respective requirement to be deviated from is taken into account and the neighboring interests protected under public law are taken into account.

An exception to building regulations (provisions of a development plan or other urban development statutes or regulations of the Land Use Ordinance) may be permitted if it

- is expressly provided for in terms of type and scope

Exemption from the provisions of the development plan 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 in terms of urban development or the implementation of the development plan would lead to an obviously unintended hardship and is compatible with public interests in accordance with §31 BauGB, also taking into account neighboring interests.

## Kosten

This application is subject to a fee.

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## Verfahrensablauf

## Bearbeitungsdauer

## Frist

Modul	Sachverhalt
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	<p>If your (building) project deviates from building regulations, you must apply for approval of the deviation and justify it. This applies both to projects that require approval and those that do not, and also to deviations from regulations that are not examined in the approval procedure.</p> <p>If your (building) project deviates from building regulations, you must apply for approval of the deviation and justify it. This applies both to projects that require approval and those that do not, and also to deviations from regulations that are not examined in the approval procedure.</p>
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	<p>Applying for deviations from building law requirements, from the provisions of a development plan or an urban development statute or from the provisions of the Land Use Ordinance for building projects that are not exempt from procedure, Abweichungen von baurechtlichen Anforderungen, von Festsetzungen eines Bebauungsplans bzw. einer städtebaulichen Satzung oder von Regelungen der Baunutzungsverordnung bei nicht verfahrensfreien Bauvorhaben beantragen</p>