

99012106007000

Abweichungen von baurechtlichen Anforderungen, Festsetzungen eines Bebauungsplans, einer städtebaulichen Satzung oder von Regelungen der Baunutzungsverordnung Zulassung

Heruntergeladen am 23.06.2025

<https://fimportal.de/xzufi-services/S1000030002149967/S100003>

Modul	Sachverhalt
Leistungsschlüssel	99012106007000
Leistungsbezeichnung I	Abweichungen von baurechtlichen Anforderungen, Festsetzungen eines Bebauungsplans, einer städtebaulichen Satzung oder von Regelungen der Baunutzungsverordnung Zulassung
Leistungsbezeichnung II	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 / Bremerhaven
Typisierung	4 - Land: Regelung
Quellredaktion	Bremen

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Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	Brhv
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	Erlaubnisse und Genehmigungen (2010400), Bauverfahren (2050500)
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	31.01.2025
Fachlich freigegeben durch	
Handlungsgrundlage	https://www.transparenz.bremen.de/metainformation/bremische-landesbauordnung-vom-29-mai-2024-232736?asl=bremen203_tpgesetz.c.55340.de&template=20_gp_ifg_meta_detail_d https://www.gesetze-im-internet.de/bbaug/index.html#BJNR003410960BJNE007107116 https://www.gesetze-im-internet.de/baunvo/ https://www.transparenz.bremen.de/metainformation/kostenverordnung-bau-baukostv-vom-3-september-2002-245001?asl=bremen203_tpgesetz.c.55340.de&template=20_gp_ifg_meta_detail_d https://www.transparenz.bremen.de/metainformation/bremische-bauvorlagenverordnung-brembauvorlv-vom-1-september-2022-247810?asl=bremen203_tpgesetz.c.55340.de&template=20_gp_ifg_meta_detail_d https://www.transparenz.bremen.de/metainformation/bremisches-gebuehren-und-beitragsgesetz-bremgebbeitrg-vom-16-juli-1979-191874?asl=bremen203_tpgesetz.c.55340.de&template=20_gp_ifg_meta_detail_d
Teaser	If your (building) project deviates from building regulations, you must apply for approval of the deviation. This also applies to deviations from

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Volltext	regulations that are not examined in the building permit procedure. If your (building) project deviates from building regulations, e.g. a) from the provisions of a development plan, b) of an urban development statute, c) of the Building Utilization Ordinance, d) of the Bremen state building regulations or e) of legal provisions based on the Bremen State Building Regulations, you must apply separately for approval of the deviation, exception or exemption and justify it. This applies to building projects that require approval as well as those that do not require approval and those that do not require a procedure. Even if the regulations that are to be deviated from are not examined in the approval procedure, an "isolated" 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.
Erforderliche Unterlagen	• Explanation of the required documents The application for deviations, exceptions and exemptions must be made using the official building application form of the supreme building supervisory authority published under Applications & Forms - The Senator for Building, Mobility and Urban Development (bremen.de). You will find the link under "Further information". In addition, those building documents must be submitted which are required for the assessment of applications for the approval of deviations, exceptions and exemptions in accordance with Section 67 (2) Sentence 2 of the Bremen Building Code for projects not subject to procedures and for exemption from approval.
Voraussetzungen	Exemption from the provisions of the development

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plan may be granted in accordance with Section 31 (2) of the German Building Code if the basic principles of the planning are not affected and

a) reasons of public welfare, including the housing needs of the population and the need to accommodate refugees or asylum seekers, require the exemption or

b) the deviation is justifiable in terms of urban development, or

c) the implementation of the development plan would lead to an obviously unintended hardship and

is compatible with public interests in accordance with Section 31 of the German Building Code, also taking into account neighboring interests.

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.

A deviation from building regulations in accordance with the Bremen State Building Code and local building regulations based on the Bremen State Building Code may be permitted if this is compatible with public interests (in particular the general requirements of Section 3 of the Bremen State Building Code). The purpose of the respective requirement to be deviated from must also be taken into account and the neighboring interests protected under public law must be considered.

Kosten

The amount of the fee is based on Section 1 of the Construction Costs Ordinance, tariff numbers 101.15 to 101.17 and depends on the type of deviation applied for.

Verfahrensablauf

Deviations from building law requirements, provisions of a development plan, an urban development statute or from regulations of the Building Utilization Ordinance Approval can be applied for in text form using the published form. Attach the required building

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documents.

Submit the application documents to the responsible lower building supervisory authority. If documents are missing or there are other ambiguities, you will be asked to rectify these obstacles to approval. In this case, submit the missing or amended documents and/or the clarification.

The lower building supervisory authority will review your application and involve the municipality and those bodies whose involvement or consultation is required for the decision on your application or without whose opinion the requested deviation, exception or exemption cannot be assessed. Finally, you will receive a decision.

The approval of deviations, exceptions and exemptions is subject to a fee.

Bearbeitungsdauer

The lower building supervisory authority should decide on the application within twelve weeks after the completeness of the application has been confirmed in accordance with Section 69 (3) of the Bremen State Building Code.

Frist

In accordance with Section 73 (1) of the Bremen State Building Code, approvals for deviations, exceptions and exemptions expire if construction of the building project has not begun within three years of being granted or if construction has been interrupted for more than one year.

weiterführende Informationen

<https://bau.bremen.de/bau/planen-bauen/antraege-formulare-3555>
<https://www.akhb.de/>
<https://bau.bremen.de/bau/planen-bauen/rechtsgrundlagen-3559>
<https://www.statistik-bw.de/baut/HTML>

Hinweise
Rechtsbehelf
Kurztext

Modul	Sachverhalt
Ansprechpunkt	
Zuständige Stelle	
Formulare	https://buergerservice.bremen.de/sixcms/media.php/5/Formular_Antrag%20auf%20Abweichung%2009.2023.pdf https://buergerservice.bremen.de/sixcms/media.php/5/Formular_Antrag%20auf%20Abweichung%2009.pdf https://bau.bremen.de/bau/planen-bauen/antraege-formulare-3555
Ursprungsportal	Bremerhaven.de, Bremerhaven.de