

99012106007000, 99012106007000

Applying for deviations from building law requirements, provisions of a development plan, urban development statutes or regulations of the Land Use Ordinance

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/394757618/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99012106007000, 99012106007000
Leistungsbezeichnung I	Applying for deviations from building law requirements, provisions of a development plan, urban development statutes or regulations of the Land Use Ordinance
Leistungsbezeichnung II	
Typisierung	4 - Land: Regelung
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus

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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	Erlaubnisse und Genehmigungen (2010400), Bauverfahren (2050500)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	26.09.2023
Fachlich freigegeben durch	Hessian Ministry of Economics, Energy, Transport and Housing
Handlungsgrundlage	https://www.gesetze-im-internet.de/bbaug/_31.html https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-BauOHE2018pP73 https://www.gesetze-im-internet.de/bbaug/_31.html https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-BauOHE2018pP73
Teaser	If the planning of your building project deviates from the applicable regulations, you can submit an application for an exception or exemption from the regulations.
Volltext	If your building project deviates from building regulations (e.g. from the HBO, the provisions of a development plan, an urban development statute or the building use ordinance), you must apply separately for approval of the deviation and justify it. This applies to projects that require planning permission, projects that do not require planning permission and projects that do not require planning permission. Even if the regulations that are to be deviated from are not examined in the approval

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procedure, you must still apply for approval.

The competent authority can then grant you approval for a deviation, exception or exemption under certain conditions.

Erforderliche Unterlagen

- Completed application with justification for the deviation (BAB 10)
 - Authorization to act, if applicable
 - Property plan
 - Floor plans
 - Sections
 - Views
 - Representation of neighboring buildings
 - Informal building and usage description with building class 2
 - Building documents showing the exemption and deviation status
 - Determination of the extent of building use
 - Proof of spacing
 - Proof of parking space
- <https://wirtschaft.hessen.de/wohnen-bauen/bauvorschriften/dokumente-und-vordrucke>
<https://wirtschaft.hessen.de/wohnen-bauen/bauvorschriften/dokumente-und-vordrucke>

Voraussetzungen

A deviation from HBO regulations or from regulations based on the HBO may be permitted if it is compatible with public interests. 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.

An exception to the provisions of a development plan or other urban development statutes or to the provisions of the German Land Use Ordinance may be permitted if it is expressly provided for in terms of type and scope. An exemption from the provisions of a development plan or other urban development statutes or from the provisions of the Land Use Ordinance may be permitted if it does not affect the main features of the planning and is also compatible with public interests when neighboring interests are taken into account and:

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	• 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.
Kosten	Gebühr: 100€ - 11.000€ The fee is charged for each deviation. The respective local authorities can set their own fees by statute. Please contact the building supervisory authority responsible for you.
Verfahrensablauf	• You fill out the application digitally in the building portal or in analog form. • You submit the application together with the required documents to the responsible building authority • The building authority checks your application and the documents • If all requirements are met, the building authority will grant you the permit
Bearbeitungsdauer	
Frist	There is no deadline.
weiterführende Informationen	https://verwaltungsportal.hessen.de/leistung?leistung_id=L100001_8959794 https://verwaltungsportal.hessen.de/leistung?leistung_id=L100001_8959794
Hinweise	
Rechtsbehelf	
Kurztext	• Applying for deviations from building law requirements, provisions of a development plan, urban development statutes or regulations of the Land Use Ordinance • Deviations, exceptions and exemptions from building regulations can be permitted under certain conditions • Neighboring interests protected under public law must be compatible with public interests and must be

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	sufficiently taken into account • Requested deviations, exceptions and exemptions must be justified • Responsible: The lower building supervisory authority (building supervisory authorities of the districts, independent cities and special status cities).
Ansprechpunkt	Please contact the lower building supervisory authority of your district, independent city or special status city.
Zuständige Stelle	The lower building supervisory authorities are responsible.
Formulare	
Ursprungsportal	Applying for deviations from building law requirements, provisions of a development plan, urban development statutes or regulations of the Land Use Ordinance, Abweichungen von baurechtlichen Anforderungen, Festsetzungen eines Bebauungsplans, einer städtebaulichen Satzung oder von Regelungen der Baunutzungsverordnung beantragen