

99012106007000, 99012106007000

# Apply for deviations from requirements under building law, from stipulations of a development plan or an urban development ordinance, or from regulations of the Building Use Ordinance.

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/106667838/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99012106007000, 99012106007000
Leistungsbezeichnung I	Apply for deviations from requirements under building law, from stipulations of a development plan or an urban development ordinance, or from regulations of the Building Use Ordinance.
Leistungsbezeichnung II	Apply for deviations from requirements under building law, from stipulations of a development plan or an urban development ordinance, or from regulations of the Building Use Ordinance.
Typisierung	4b - Land: Regelung und Ausführungsvorschriften, Kommune: Vollzug
Quellredaktion	Mecklenburg-Vorpommern

Modul	Sachverhalt
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	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	31.08.2022
Fachlich freigegeben durch	Ministry of the Interior, Building and Digitalization Mecklenburg-Western Pomerania
Handlungsgrundlage	<a href="https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX%3A32011R0305&amp;from=DE">https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX%3A32011R0305&amp;from=DE</a> <a href="https://www.gesetze-im-internet.de/bbaug/_31.html">https://www.gesetze-im-internet.de/bbaug/_31.html</a> <a href="https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uOMV2015V16P61">https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uOMV2015V16P61</a> <a href="https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uGebVMVV7Anlage1">https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uGebVMVV7Anlage1</a> <a href="https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uVorlVMVV1IVZ">https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uVorlVMVV1IVZ</a> <a href="https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uPAVMVrahmen">https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uPAVMVrahmen</a> <a href="https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX%3A32011R0305&amp;from=DE">https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX%3A32011R0305&amp;from=DE</a> <a href="https://www.gesetze-im-internet.de/bbaug/_31.html">https://www.gesetze-im-internet.de/bbaug/_31.html</a> <a href="https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uOMV2015V16P61">https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uOMV2015V16P61</a> <a href="https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uGebVMVV7Anlage1">https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uGebVMVV7Anlage1</a> <a href="https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uVorlVMVV1IVZ">https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uVorlVMVV1IVZ</a>

Modul	Sachverhalt
	<a href="https://www.landesrecht-mv.de/bsmv/document/jlr-Ba-uPAVMVrahmen">https://www.landesrecht-mv.de/bsmv/document/jlr-Ba-uPAVMVrahmen</a>
Teaser	If your (building) project deviates from building regulations, you must apply for approval of the deviation. This also applies to deviations from regulations that are not reviewed in the building permit procedure.
Volltext	<p>If your (construction) project deviates from building regulations (for example, from the stipulations 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 building permission, projects that do not require building permission and projects that do not require building permission.</p> <p>Even if the regulations from which you wish to deviate are not examined in the approval procedure, you must still apply for approval. The responsible body can then grant you approval for a deviation, exception or exemption under certain conditions.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• Completed application with justification for the deviation <ul style="list-style-type: none"> <li>• Depending on the individual case, further documents (construction documents for projects not exempt from procedures): <ul style="list-style-type: none"> <li>• Excerpt from the official real estate map and the site plan</li> <li>• construction drawings</li> <li>• Building description</li> <li>• Proof of stability</li> <li>• Proof of fire protection</li> <li>• Calculation of the permissible, existing and planned extent of building use in the case of building projects within the scope of a development plan that contains stipulations in this respect.</li> <li>• If necessary, further documents</li> </ul> </li> </ul> </li> </ul>
Voraussetzungen	A ****Deviation** **from local building regulations may be permitted if it is compatible with public interests. In doing so, the purpose of the respective requirement from which deviation is to be made must

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also be taken into account and the neighboring interests protected under public law must be appreciated.

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

An \*\*\*\*exemption\*\*\*\* from regulations under building law (stipulations of a development plan or other urban planning statutes or from regulations of the Building Use Ordinance) may be permitted if it does not affect the basic principles of planning and is also compatible with public interests when neighboring interests are taken into account 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.

## Kosten

- Fee framework for the approval of a deviation from a regulation of the building code: 50.00 - 5,420.00 EUR
- Fee framework for the approval of an exception or exemption according to § 31 or § 34 paragraph 2 half-sentence 2 of the building code: 65.00 - 2,910.00 EUR

## Verfahrensablauf

Apply for approval of the deviation separately to the competent authority, even if a building permit procedure is being carried out, and state the reasons for the deviation in the application.

The building supervisory authority or the municipality will check whether the requirements for the approval of the deviation, exemption or exception are met and, if necessary, involve other authorities and the neighbors. You will then receive a decision as to whether the deviation is approved or rejected.

Modul	Sachverhalt
Bearbeitungsdauer	• none
Frist	• none
weiterführende Informationen	
Hinweise	
Rechtsbehelf	• Opposition
Kurztext	<p>Applying for approval of deviations, exceptions and exemption from building regulations</p> <ul style="list-style-type: none"> <li>• In case of deviations of a (building) project from building regulations, a separate deviation application must be submitted</li> <li>• The application for deviation must also be submitted if deviations are made from building regulations that are not examined in the building permit procedure or if the (building) project is exempt from the procedure.</li> <li>• Approval for deviations, exceptions or exemptions can be granted if the requirements are met</li> <li>• The application must be submitted to the lower building supervisory authority in the case of projects requiring approval and projects exempt from approval, otherwise it must be submitted to the municipality.</li> </ul>
Ansprechpunkt	
Zuständige Stelle	<ul style="list-style-type: none"> <li>• For projects requiring a building permit or projects exempt from a building permit:               <ul style="list-style-type: none"> <li>• lower building supervisory authority</li> </ul> </li> <li>• Otherwise (for projects that do not require a building permit)               <ul style="list-style-type: none"> <li>• Municipality in which the project is to be carried out.</li> </ul> </li> </ul>
Formulare	<ul style="list-style-type: none"> <li>• Forms available: no</li> <li>• Online service available: yes</li> <li>• Written form required: yes</li> <li>• Informal application possible: yes</li> <li>• Personal appearance required: no</li> </ul>
Ursprungsportal	Abweichungen von baurechtlichen Anforderungen, von Festsetzungen eines Bebauungsplans bzw. einer

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städtebaulichen Satzung oder von Regelungen der Baunutzungsverordnung beantragen, Apply for deviations from requirements under building law, from stipulations of a development plan or an urban development ordinance, or from regulations of the Building Use Ordinance.