

99012068006000

Heruntergeladen am 26.07.2025

<https://fimportal.de/xzufi-services/3722/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99012068006000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Building project; application for a preliminary permit
Typisierung	4 - Land: Regelung
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	03.04.2025

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wohnen, Bau und Verkehr (Bavarian State Ministry of Housing, Building and Transport)
Handlungsgrundlage	<a href="https://www.gesetze-bayern.de/Content/Document/BayBO-71">https://www.gesetze-bayern.de/Content/Document/BayBO-71</a> <a href="https://www.gesetze-bayern.de/Content/Document/BayBO-71">https://www.gesetze-bayern.de/Content/Document/BayBO-71</a> <a href="https://www.gesetze-bayern.de/Content/Document/BayBauVorlV2008">https://www.gesetze-bayern.de/Content/Document/BayBauVorlV2008</a> <a href="https://www.gesetze-bayern.de/Content/Document/BayBauVorlV2008">https://www.gesetze-bayern.de/Content/Document/BayBauVorlV2008</a> <a href="https://www.gesetze-bayern.de/Content/Document/BayDBauV">https://www.gesetze-bayern.de/Content/Document/BayDBauV</a> <a href="https://www.gesetze-bayern.de/Content/Document/BayDBauV">https://www.gesetze-bayern.de/Content/Document/BayDBauV</a>
Teaser	You can have certain questions regarding the permissibility of your project clarified by means of a preliminary decision before submitting a building application. This has a binding effect on the subsequent planning permission procedure.
Volltext	<p>You can apply for a preliminary decision on individual issues relating to your building project. You must submit this application before applying for planning permission. The subject of a preliminary decision can only be what is also the subject of the subsequent planning permission procedure.</p> <p>The preliminary decision is an anticipated part of the planning permission itself. In the subsequent decision on the building permit, the lower building supervisory authority is bound by the preliminary decision insofar as it contains a regulation on the project.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• current cadastral map extract</li> <li>• Site plan, if applicable Not required, provided only the alteration of structures is requested where exterior walls and roofs and use are not changed.</li> <li>• Construction drawings</li> <li>• Building description (form see under "Forms")</li> <li>• If necessary, information on the secured development with regard to the supply of water and energy as well as the disposal of waste water and the</li> </ul>

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traffic development. Required only if the construction project cannot be connected to a public water or power supply or to a public sewage disposal system. Also required if the building project is not located in sufficient width on a public traffic area.

- if applicable, calculation of the permissible and planned extent of building use Only required within the scope of a development plan that contains provisions on this.
- If necessary, consent to the transfer of distance areas (for form, see "Forms")
- any supporting documentation Depending on the building project, further documents may be required, for example a tree inventory declaration. However, this is only required if requested by the municipality.

## Voraussetzungen

The preliminary decision you have applied for will only be granted if your project is subject to approval. Furthermore, the project must not conflict with any regulations under public law.

A preliminary decision may only be issued for individual issues relating to the building project. It cannot, for example, be issued to determine compliance with all public law regulations.

## Kosten

The fees for a preliminary decision are between EUR 40 and EUR 2,500, depending on the administrative costs incurred.

Up to half of the fees can be offset against a subsequent building permit.

## Verfahrensablauf

Written submission

- If necessary, contact the municipality in whose area the building plot is located before submitting your application if you have any questions about the permissibility of your project.
- Involve your neighbors by submitting the site plan and construction drawings for their approval. Any consent must be given in writing. The building supervisory authority can (exceptionally) waive the neighbor participation requirement for applications for a preliminary decision if you request this.

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- Submit the application for a preliminary decision with the required documents to the responsible lower building supervisory authority (district offices, independent cities, large district towns and certain larger municipalities).
- Submit the application in triplicate using the forms provided. If the lower building supervisory authority is also the municipality, two copies are sufficient.
- The application must be made in writing, an oral application is not possible.
- The lower building supervisory authority examines the application and decides on it.
- If the lower building supervisory authority is not itself a municipality, it will involve the municipality in the decision on the municipal consent.
- Before making a decision, the lower building supervisory authority must involve the authorities whose involvement or consultation is required by law for the decision on the application for a preliminary decision or without whose opinion the approvability of the building application cannot be assessed (e.g. the lower immission control authority, the lower water rights authority or the road traffic authority). In the case of applications for a preliminary decision, this depends on the question posed.

### Digital submission

Digital submission of applications for preliminary decisions is not yet possible throughout Bavaria. When a location is selected, the link to the online procedure is displayed if it is already available.

- After involving the neighbors, the application can be submitted digitally using the online assistant.
- The predefined building application and building description forms are replaced by the queries in the online assistant.
- The building documents are uploaded to the online assistant in electronic form (files in PDF format).
- The signatures are replaced by authentication using the "BayernID" user account or "My company account".

## Bearbeitungsdauer

The processing time depends on the scope and complexity of the application, the number of agencies

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	involved and the current workload of the authority.
Frist	There are no deadlines to be observed. The preliminary decision is valid for three years if it is not limited to a shorter period. The period can be extended by up to two years in each case if the client applies for this in writing before the period of validity of the preliminary decision expires.
weiterführende Informationen	<a href="http://www.bauen.bayern.de/buw/bauherreninfo/index.php">http://www.bauen.bayern.de/buw/bauherreninfo/index.php</a> <a href="http://www.bauen.bayern.de/buw/bauherreninfo/index.php">http://www.bauen.bayern.de/buw/bauherreninfo/index.php</a> <a href="http://www.bauen.bayern.de/buw/baurechtundtechnik/bauordnungsrecht/index.php">http://www.bauen.bayern.de/buw/baurechtundtechnik/bauordnungsrecht/index.php</a> <a href="http://www.bauen.bayern.de/buw/baurechtundtechnik/bauordnungsrecht/index.php">http://www.bauen.bayern.de/buw/baurechtundtechnik/bauordnungsrecht/index.php</a> <a href="https://www.stmb.bayern.de/assets/stmi/buw/baurechtundtechnik/24_bautechnischenachweise_20241125.pdf">https://www.stmb.bayern.de/assets/stmi/buw/baurechtundtechnik/24_bautechnischenachweise_20241125.pdf</a> <a href="https://www.stmb.bayern.de/assets/stmi/buw/baurechtundtechnik/24_bautechnischenachweise_20241125.pdf">https://www.stmb.bayern.de/assets/stmi/buw/baurechtundtechnik/24_bautechnischenachweise_20241125.pdf</a> <a href="https://www.stmb.bayern.de/buw/bauherreninfo/bauaufsichtliches_verfahren/bautechnische_nachweise/index.php">https://www.stmb.bayern.de/buw/bauherreninfo/bauaufsichtliches_verfahren/bautechnische_nachweise/index.php</a> <a href="https://www.stmb.bayern.de/buw/bauherreninfo/bauaufsichtliches_verfahren/bautechnische_nachweise/index.php">https://www.stmb.bayern.de/buw/bauherreninfo/bauaufsichtliches_verfahren/bautechnische_nachweise/index.php</a> <a href="https://www.bayernportal.de/dokumente/behoerdeordner/7222125209">https://www.bayernportal.de/dokumente/behoerdeordner/7222125209</a> <a href="https://www.bayernportal.de/dokumente/behoerdeordner/7222125209">https://www.bayernportal.de/dokumente/behoerdeordner/7222125209</a>
Hinweise	A preliminary decision is useful, for example, to clarify the permissibility of a project under building planning law.
Rechtsbehelf	<p>If you do not receive the requested preliminary decision, you can file an administrative court action. This must be directed at the granting of the requested preliminary decision.</p> <p>An objection is not possible.</p>
Kurztext	

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Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal