

99012100101000, 99012102101000, 99012101101000

Heruntergeladen am 16.06.2025

<https://fimportal.de/xzufi-services/3729/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99012100101000, 99012102101000, 99012101101000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Building project; submission of documents for exemption from approval
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	https://www.gesetze-bayern.de/Content/Document/BayBO-58 https://www.gesetze-bayern.de/Content/Document/BayBO-58 https://www.gesetze-bayern.de/Content/Document/BayBauVorlV2008 https://www.gesetze-bayern.de/Content/Document/BayBauVorlV2008 https://www.gesetze-bayern.de/Content/Document/BayDBauV https://www.gesetze-bayern.de/Content/Document/BayDBauV
Teaser	You generally need a building permit to erect, modify or change the use of a facility. Under certain conditions, your building project may be exempt from the obligation to obtain planning permission.
Volltext	In principle, exemption from approval can be granted for all structures except for special structures. However, this is only possible under certain conditions (see "Conditions"). However, even if a project is exempt from approval, it must still comply with all regulations. Even if all the requirements for exemption from approval are met, you are not entitled to such an exemption. It is at the discretion of the local authority to decide whether or not a building permit procedure should be carried out.
Erforderliche Unterlagen	• current cadastral map extract • Site plan Not required, provided only the alteration of structures is requested where exterior walls and roofs and use are not changed. • Construction drawings • Building description (form see under "Forms") • Fire protection certificate, if applicable

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Required only to the extent that it is subject to building inspection and is not already included in the other building submittals.

- 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 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 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 construction, modification or change of use of a building may be exempt from approval under the following conditions:

- The project is not a special building,
- it is within the scope of a qualified development plan or a project-related development plan,
- it complies with the provisions of the development plan and any local building regulations,
- the development is secured and
- it is not a craft or commercial construction project for which the municipality has excluded the application of the permit exemption in the development plan.

The municipality can declare that a building permit procedure is to be carried out despite these requirements being met.

Kosten

There are no fees for the permit exemption. If the

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municipality informs you before the end of the one-month period that no approval procedure is to be carried out, it can charge a fee for this if it has regulated this in a municipal cost statute.

Verfahrensablauf

Written submission

First of all, please note that in the case of building applications for the construction and alteration of buildings, the building documents must be prepared by an authorized draftsman (architect, civil engineer; for smaller building projects, especially detached and semi-detached houses, also master craftsmen in the building and carpentry trades and state-certified technicians in the field of construction technology). This also applies to documents in the approval exemption procedure.

- Submit the required documents **to the municipality** in whose area the building plot is located.
- The documents correspond to those of a building application together with building documents and must be submitted in triplicate using the forms provided.
- Notify the neighbors of the building plot of the building project at the latest when submitting the documents to the municipality. It is better if you involve the neighbors in advance by submitting the site plan and the construction drawings for their approval.
- The municipality can request that an approval procedure be carried out within one month of the documents being submitted. This means that the documents are automatically processed as a building application, provided you have noted this accordingly on the building application form. The lower building supervisory authority is responsible for examining and deciding on the building application.
- However, if the municipality does not request the simplified approval procedure within one month or informs you in writing that no approval procedure is to be carried out, your project is exempt from approval.

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Digital submission

****Digital submission of documents in the approval exemption procedure is not yet possible throughout Bavaria. When selecting a location, the link to the online procedure will be displayed if it is already offered.****

- The documents 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 of the client and the authorized draftsman are replaced by authentication using the "BayernID" user account or "My company account". In particular, the (large-format) construction drawings do not need to be signed. They can therefore be generated as a file directly in the CAD system of the design author. If the building documents have to be created by an authorized designer, the designer must authenticate himself and submit the documents for the client.
- The documents are first sent ****to the lower building supervisory authority****, which forwards them immediately ****to the responsible municipality****. The one-month period after which the project is exempt from approval begins with the submission of the digital documents.

Bearbeitungsdauer

If the municipality does not inform you within one month of submission of the required documents that the simplified approval procedure is to be carried out, you may commence execution. This does not apply if the municipality applies for a provisional prohibition within one month of submission of the required documents.

Frist

In principle, there are no time limits. However, if you only want to start construction more than four years after the construction work has become permissible due to an approval exemption procedure, you must go through another approval exemption procedure.

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weiterführende Informationen	https://www.bauen.bayern.de/buw/bauherreninfo/bauaufsichtliches_verfahren/genuehmigungsfreistellung/index.php https://www.bauen.bayern.de/buw/bauherreninfo/bauaufsichtliches_verfahren/genuehmigungsfreistellung/index.php 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
Hinweise	If your building project is exempt from approval, you are responsible for ensuring that the requirements for exemption from approval are met and that public law regulations are complied with. Please note that you must notify the lower building supervisory authority of the start of construction at least one week in advance, even for construction projects that do not require a permit.
Rechtsbehelf	If the municipality declares that the simplified planning permission procedure is to be carried out, you have no right of appeal against this.
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal