

99012009001000

Heruntergeladen am 21.05.2025

<https://fimportal.de/xzufi-services/74825/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99012009001000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Building project; application for building authority 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	23.01.2025

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/Ba yBO-73">https://www.gesetze-bayern.de/Content/Document/Ba yBO-73</a> <a href="https://www.gesetze-bayern.de/Content/Document/Ba yBO-73">https://www.gesetze-bayern.de/Content/Document/Ba yBO-73</a>
Teaser	Building projects do not require a building permit or building supervision by the lower building supervisory authority if they have been assigned to a building authority. Approval may have to be obtained from the government (higher building supervisory authority).
Volltext	<p>Building projects that do not require a procedure and for which the management of the design work and construction supervision have been assigned to a construction department of the federal government, the Free State of Bavaria or a district equipped with suitable specialists do not require a building permit, exemption from approval, notification or construction supervision. They are subject to the building supervisory approval procedure. The respective government is responsible for granting the necessary approval for building projects of a building authority in a government district.</p> <p>This procedure takes place in two stages. First, the building authority involves the neighbors and requests their approval by signing the plans. Next, the respective municipality is involved by the building authority and asked whether it agrees with the project and the waiver of an approval procedure. If the neighbors agree and the municipality does not object to the waiver of the approval procedure, the procedure is completed and a building approval decision by the government is no longer necessary. In this case, however, the building authority must obtain any other necessary permits, for example under monument protection law.</p> <p>If not all neighbors agree to the building project or if the municipality objects to the elimination of the approval procedure, the building authority then</p>

## Modul

## Sachverhalt

applies to the responsible government for building authority approval in accordance with Art. 73 of the Bavarian Building Code (BayBO).

The government's building authority approval replaces a building permit and constitutes an administrative act vis-à-vis neighbors and municipalities that do not agree with the project, against which they can take legal action.

Building projects that serve national defense (including projects of the US armed forces), official purposes of the federal police or civil defense only require notification to the government. The responsible municipality must also be involved (notification procedure).

## Erforderliche Unterlagen

### Voraussetzungen

Approval is granted if the planned building project complies with the regulations on the permissibility of building structures under planning law in accordance with Sections 29 to 38 of the German Building Code (BauGB) and the provisions of local building regulations within the meaning of Art. 81 of the Bavarian Building Code (BayBO) and fulfills other requirements under public law, insofar as a decision under other public law regulations - e.g. under monument protection law - is replaced or included due to the building authority approval (Art. 73 Para. 2 Sentence 1 BayBO). The government also decides on deviations from regulations that protect third parties, e.g. from the requirements of the law on spacing.

Other regulations, e.g. on questions of stability or fire protection, are not examined. The building authority is responsible for compliance with these.

### Kosten

none

### Verfahrensablauf

The application for approval must be submitted in writing to the local government together with the building documents required to assess the building project.

The government will involve the necessary specialist

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	<p>agencies and ask the municipality concerned to decide whether to grant consent in accordance with Section 36 BauGB.</p> <p>In the case of special projects (e.g. relevance for a larger group of neighbors), the government also carries out public participation (Art. 66a BayBO).</p> <p>If the project is permitted, the government issues the building authority with the building approval notice. Municipalities and affected neighbors who have not approved the project will also be sent a copy of the government's building inspection approval notice.</p>
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	<p>An appeal can be lodged directly with the locally competent administrative court against a building inspection approval notice. The action must be brought within one month of notification.</p> <p>The requirements can be found in detail in the information on legal remedies in the notice.</p>
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal