

99012106007000

Abweichungen von baurechtlichen Anforderungen, Festsetzungen eines Bebauungsplans, einer städtebaulichen Satzung oder von Regelungen der Baunutzungsverordnung Zulassung

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/S1000030002071755/S100003>

Modul	Sachverhalt
Leistungsschlüssel	99012106007000
Leistungsbezeichnung I	Abweichungen von baurechtlichen Anforderungen, Festsetzungen eines Bebauungsplans, einer städtebaulichen Satzung oder von Regelungen der Baunutzungsverordnung Zulassung
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 Land Use Ordinance.
Typisierung	4 - Land: Regelung
Quellredaktion	Bremen

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Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	Erlaubnisse und Genehmigungen (2010400), Bauverfahren (2050500)
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	29.02.2024
Fachlich freigegeben durch	
Handlungsgrundlage	https://www.transparenz.bremen.de/metainformation/bremische-landesbauordnung-vom-18-oktober-2022-185445?asl=bremen203_tpgesetz.c.55340.de&template=20_gp_ifg_meta_detail_d#jlr-BauOBR2022pP67 https://www.gesetze-im-internet.de/bbaug/index.html#BJNR003410960BJNE007107116 https://www.gesetze-im-internet.de/baunvo/ https://www.transparenz.bremen.de/metainformation/bremische-bauvorlagenverordnung-brembauvorlv-vom-1-september-2022-185587?asl=bremen203_tpgesetz.c.55340.de&template=20_gp_ifg_meta_detail_d https://www.transparenz.bremen.de/metainformation/bremisches-gebuehren-und-beitragsgesetz-bremgebbeitrg-vom-16-juli-1979-191874?asl=bremen203_tpgesetz.c.55340.de&template=20_gp_ifg_meta_detail_d#jlr-GebBeitrGBRV15P4 https://www.transparenz.bremen.de/metainformation/kostenverordnung-bau-baukostv-vom-3-september-2002-182857?asl=bremen203_tpgesetz.c.55340.de&template=20_gp_ifg_meta_detail_d
Teaser	If your (building) project deviates from building regulations, you must apply for approval of the

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Volltext	deviation. This also applies to deviations from regulations that are not reviewed in the building permit procedure. If your (building) project deviates from building regulations, e.g.. a) from the stipulations of a development plan, b) of an urban development statute, c) of the Building Use Ordinance, d) of the Bremen State Building Code, or e) of legal regulations based on the Bremen State Building Code, you must apply separately for approval of the deviation, exception or exemption and justify it. This applies to construction projects requiring a permit as well as those requiring no permit and those not subject to a procedure. Even if the regulations from which the deviation is to be made are not examined in the approval procedure, an "isolated" approval must still be applied for. The lower building supervisory authority can then grant you approval for a deviation, exception or exemption under certain conditions.
Erforderliche Unterlagen	• Explanation of the required documents The application for deviations, exceptions and exemptions must be made using the official building application form of the supreme building supervisory authority published under Applications & Forms - The Senator for Building, Mobility and Urban Development (bremen.de). You will find the link under "Further information". In addition, those building documents must be submitted which are required for the assessment of applications for the approval of deviations, exceptions and exemptions in accordance with Section 67 (2) Sentence 2 of the Bremen Building Code for projects

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	not subject to procedures and for exemption from approval.
Voraussetzungen	Exemption from the provisions of the development plan may be granted in accordance with Section 31 (2) of the Building Code if the basic principles of the planning are not affected and a) reasons of public welfare, including the housing needs of the population and the need to accommodate refugees or asylum seekers, require the exemption or b) the deviation is justifiable in terms of urban development, or c) the implementation of the development plan would lead to an obviously unintended hardship and is compatible with public interests in accordance with Section 31 of the Building Code, even when neighboring interests are taken into account. An exception to building law regulations (stipulations of a development plan or other urban development statutes or regulations of the Building Use Ordinance) may be permitted if it is expressly provided for in terms of type and scope. A deviation from the building regulations according to the Bremen Building Code and local building regulations based on the Bremen Building Code can be permitted if it is compatible with public concerns (in particular the general requirements of § 3 of the Bremen Building Code). In this context, the purpose of the respective requirement from which deviation is to be made must also be taken into account and the neighboring interests protected under public law must be appreciated.
Kosten	The amount of the fee is based on Section 1 of the Construction Cost Ordinance, Tariff Numbers 101.15 through 101.17, and depends on the type of variance requested.
Verfahrensablauf	You apply for deviations from building law

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requirements, stipulations of a development plan, an urban development statute or regulations of the Building Use Ordinance Approval in text form using the published form. Attach the required construction documents.

Submit the application documents to the responsible lower building supervisory authority. If documents are missing or if there are other ambiguities, you will be asked to remedy these obstacles to approval. In this case, submit the missing or adjusted documents and/or the clarification.

The lower building supervisory authority will review your application and involve the municipality and those agencies whose participation or hearing is required for the decision on your application or without whose opinion the requested deviation, exception or exemption cannot be assessed. Finally, you will receive a decision.

The approval of deviations, exceptions and exemptions is subject to a fee.

Bearbeitungsdauer

In accordance with Section 69 (3) of the Bremen Building Code, the lower building supervisory authority shall decide on the application within twelve weeks after the completeness of the application has been confirmed.

Frist

In accordance with Section 73 (1) of the Bremen Building Code, permits for the approval of deviations, exceptions and exemptions expire if construction of the building project has not begun within three years of their issue or if construction has been interrupted for more than one year.

weiterführende Informationen

<https://bau.bremen.de/bau/planen-bauen/antraege-formulare-3555>
<https://www.akhb.de/>
<https://bau.bremen.de/bau/planen-bauen/rechtsgrundlagen-3559>
<https://www.statistik-bw.de/baut/HTML>

Hinweise

Modul	Sachverhalt
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	https://bau.bremen.de/bau/planen-bauen/antraege-formulare-3555 https://buergerservice-master.calypso.bremen.de/sixcms/media.php/5/Formular_Antrag%20auf%20Abweichung%2009.2023.pdf https://buergerservice-master.calypso.bremen.de/sixcms/media.php/5/Formular_Antrag%20auf%20Abweichung%2009.pdf
Ursprungsportal	Serviceportal der Freien Hansestadt Bremen, Service portal of the Free Hanseatic City of Bremen