

99012106007000, 99012106007000

Applying for deviations from building law requirements, from the provisions of a development plan or urban development statutes or from the provisions of the Land Use Ordinance

Heruntergeladen am 20.07.2025

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

Modul	Sachverhalt
Leistungsschlüssel	99012106007000, 99012106007000
Leistungsbezeichnung I	Applying for deviations from building law requirements, from the provisions of a development plan or urban development statutes or from the provisions of the Land Use Ordinance
Leistungsbezeichnung II	Applying for deviations from building law requirements, from the provisions of a development plan or urban development statutes or from the provisions of the Land 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	https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX%3A32011R0305&from=DE https://www.gesetze-im-internet.de/bbaug/_31.html https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uOMV2015V16P61 https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uGebVMVV7Anlage1 https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uVorlVMVV1IVZ https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uPAVMVrahmen https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX%3A32011R0305&from=DE https://www.gesetze-im-internet.de/bbaug/_31.html https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uOMV2015V16P61 https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uGebVMVV7Anlage1 https://www.landesrecht-mv.de/bsmv/document/jlr-Ba uVorlVMVV1IVZ

Modul	Sachverhalt
	https://www.landesrecht-mv.de/bsmv/document/jlr-Ba-uPAVMVrahmen
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 examined in the planning permission procedure.
Volltext	<p>If your (building) project deviates from building regulations (e.g. from the provisions of a development plan, an urban development statute or the building use regulations), you must apply separately for approval of the deviation and justify it. This applies to projects that require planning permission, projects that do not require planning permission and projects that do not require planning permission.</p> <p>Even if the regulations that are to be deviated from are not examined in the approval procedure, approval must still be applied for. The competent authority can then grant you approval for a deviation, exception or exemption under certain conditions.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Completed application with justification for the deviation • Depending on the individual case, further documents (building documents for projects not exempt from procedure): Extract from the official real estate map and the site plan construction drawings Building description Proof of stability Proof of fire protection Calculation of the permitted, existing and planned extent of building use for construction projects within the scope of a development plan that contains provisions on this matter Further documents if necessary
Voraussetzungen	<p>A deviation from local building regulations may be permitted if it is compatible with public interests. The purpose of the respective requirement that is to be deviated from must also be taken into account and the neighboring interests protected under public law must be considered.</p> <p>An exception from building regulations (provisions of a development plan or other urban development</p>

Modul
Sachverhalt

statutes or from regulations of the Land Use Ordinance) may be permitted if it is expressly provided for in terms of type and scope (exception from building regulations).

An exemption from building regulations (provisions of a development plan or other urban development statutes or from regulations of the Land Use Ordinance) may be permitted if it does not affect the main features of the 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 range for the approval of a deviation from a provision of the building code: EUR 50.00 - EUR 5,420.00
- Fee range for the approval of an exception or exemption according to § 31 or § 34 paragraph 2 half-sentence 2 of the Building Code: EUR 65.00 - 2,910.00

Verfahrensablauf

Apply separately to the competent authority for approval of the deviation, 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 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.

Bearbeitungsdauer

- none

Frist

- none

weiterführende

Modul	Sachverhalt
Informationen	
Hinweise	
Rechtsbehelf	<ul style="list-style-type: none"> • Contradiction
Kurztext	<p>Applying for approval of deviations, exceptions and exemptions from building regulations</p> <ul style="list-style-type: none"> • If a (building) project deviates from building regulations, a separate deviation application must be submitted • The deviation application must also be submitted if deviations are made from building regulations that are not examined in the building permit procedure or if the (construction) project is exempt from the procedure • Approval for deviations, exceptions or exemptions can be granted if the requirements are met • The application must be submitted to the lower building supervisory authority for projects that require approval and projects that do not require approval, otherwise it must be submitted to the municipality
Ansprechpunkt	
Zuständige Stelle	<ul style="list-style-type: none"> • For projects that require planning permission or do not require planning permission: Lower building supervisory authority • Otherwise (for projects not requiring a permit) Municipality in which the project is to be carried out.
Formulare	<ul style="list-style-type: none"> • Forms available: no • Online service available: yes • Written form required: yes • Informal application possible: yes • Personal appearance necessary: no
Ursprungsportal	<p>Abweichungen von baurechtlichen Anforderungen, von Festsetzungen eines Bebauungsplans bzw. einer städtebaulichen Satzung oder von Regelungen der Baunutzungsverordnung beantragen, Applying for deviations from building law requirements, from the provisions of a development plan or urban development statutes or from the provisions of the Land Use Ordinance</p>