

99012106007000

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/77690/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99012106007000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Building project; application for an isolated deviation from other building regulations
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	11.03.2025

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-63">https://www.gesetze-bayern.de/Content/Document/BayBO-63</a> <a href="https://www.gesetze-bayern.de/Content/Document/BayBO-63">https://www.gesetze-bayern.de/Content/Document/BayBO-63</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	If your project, which does not require a procedure or approval, contradicts other building regulations, you can apply for a deviation.
Volltext	<p>Other building regulation law" refers to building regulation law with the exception of local building regulations. The reason for this distinction is the different responsibilities.</p> <p>Under certain conditions, you can apply for a deviation from other building regulations for your project. A deviation from other building regulations is usually dealt with together with a building application. However, a deviation from other building regulations can also be applied for for projects that do not require a procedure or approval. In this case, an isolated decision on the deviation is issued.</p> <p>Even if a deviation from other building regulations is approved for your project, it must still comply with the remaining public law requirements.</p> <p>The deviation from other building regulations is an intended discretionary decision. If the requirements for the deviation are met, it is usually granted, but it can also be refused in special cases.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• current cadastral map extract</li> <li>• Site plan</li> </ul> <p>(M 1 : 1,000 or 1 : 5,000)</p>

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	<ul style="list-style-type: none"> <li>• Construction drawings</li> <li>• if necessary, further documents</li> </ul> <p>Where necessary for the decision on the isolated variance.</p>
Voraussetzungen	<p>You can apply for an isolated deviation from other building regulations if</p> <ul style="list-style-type: none"> <li>• your project is exempt from procedures or does not require approval and</li> <li>• the deviations are compatible with the public interests, taking into account the purpose of the respective local building regulation and considering both legally defined overriding public interests and neighboring interests protected under public law.</li> </ul>
Kosten	<p>The fees amount to 5% of the benefit you stand to gain from the deviation, but at least EUR 75.</p>
Verfahrensablauf	<p>#### Written submission</p> <ul style="list-style-type: none"> <li>• Submit the application for isolated deviation from other building regulations to the responsible lower building supervisory authority.</li> <li>• Also submit a justification and the required documents. The documents required are those that the lower building supervisory authority needs in order to be able to assess the facts of the case. <ul style="list-style-type: none"> <li>• A specific form is not required.</li> <li>• An oral application is not possible.</li> <li>• If the deviation affects regulations that serve to protect neighbors, you should submit the application to your neighbors and obtain their consent before submitting it.</li> </ul> </li> <li>• The lower building supervisory authority will review your application and make a decision. You will receive a written decision.</li> </ul> <p>#### Digital submission</p> <p><b>**Digital submission of applications for isolated deviations is not yet possible throughout Bavaria.</b></p>

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	<p>When selecting a location, the link to the online procedure will be displayed if it is already available.**</p> <ul style="list-style-type: none"> <li>• The application for an isolated deviation from other building regulations can be submitted digitally to the lower building supervisory authority using the online assistant.</li> <li>• The documents are uploaded to the online assistant in electronic form (files in PDF format).</li> <li>• Signatures are replaced by authentication using the "BayernID" user account or "My company account".</li> </ul>
Bearbeitungsdauer	The processing time depends on the scope and complexity of the project as well as the current workload of the lower building supervisory authority.
Frist	none
weiterführende Informationen	
Hinweise	
Rechtsbehelf	You can challenge the decision of the lower building supervisory authority on the isolated deviation from other building regulations by filing a complaint with the administrative court.
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal