

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

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.

Competent Department

- [Die Senatorin für Bau, Mobilität und Stadtentwicklung | Abteilung 6 Stadtplanung/ Bauordnung \(Bremen Stadt\)](#)
- [Die Senatorin für Bau, Mobilität und Stadtentwicklung | Stadtplanung, Bauordnung Nord \(Bauamt Bremen-Nord\)](#)
- [Bauordnungsamt](#)

Basic information

If your (building) project deviates from building regulations, e.g.

- a) from the provisions of a development plan,
- b) of an urban development statute,
- c) of the Building Utilization Ordinance,
- d) of the Bremen state building regulations or
- e) of legal provisions based on the Bremen State Building Regulations,

you must apply separately for approval of the deviation, exception or exemption and justify it.

This applies to building projects that require approval as well as those that do not require approval and those that do not require a procedure. Even if the regulations that are to be deviated from 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.

Requirements

Exemption from the provisions of the development plan may be granted in accordance with Section 31 (2) of the German 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 German Building Code, also taking into account neighboring interests.

An exception to building regulations (stipulations of a development plan or other urban development statutes or regulations of the Land Use Ordinance) may be permitted if it is expressly provided for in terms of type and scope.

A deviation from building regulations in accordance with the Bremen State Building Code and local building regulations based on the Bremen State Building Code may be permitted if this is compatible with public interests (in particular the general requirements of Section 3 of the Bremen State Building Code). The purpose of the respective requirement to be deviated from must also be taken into account and the neighboring interests protected under public law must be considered.

What documents do I need?

- 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 not subject to procedures and for exemption from approval.

Procedure

You can apply online or in writing for deviations from building law requirements, the provisions of a development plan, an urban development statute or the regulations of the Building Utilization Ordinance Approval.

Online application

- You can submit applications in digital form via the online service. You will find the link to the online service under "Further information" - "Online service".
- Once you have successfully logged in via a user account, you will be guided through the form step by step.
- Please have the required attachments to your application ready for upload.
- After submitting your application, you will receive a confirmation of receipt.
- Communication regarding your application with the authority should take place entirely via the online service.
 - You have the option of sending and receiving messages in the online service. The authority's decision will also be communicated electronically via the online service.
- Further information is available directly in the online service.

In writing

- You submit the application in text form using the published form. Attach the required building documents.
- Submit the application documents to the responsible lower building supervisory authority. If documents are missing or there are other ambiguities, you will be asked to rectify these obstacles to approval. In this case, submit the missing or amended documents and/or the clarification.

The lower building supervisory authority will review your application and involve the municipality and those bodies whose involvement or consultation 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.

Legal bases

- [Bremische Bauvorlagenverordnung \(BremBauVorlV\)](#)
- [§ 1 Kostenverordnung Bau \(BauKostV\)](#)
- [Baugesetzbuch \(BauGB\)](#)
- [Verordnung über die bauliche Nutzung der Grundstücke \(Baunutzungsverordnung - BauNVO\)](#)
- [Bremische Landesbauordnung \(BremLBO\)](#)
- [Bremisches Gebühren- und Beitragsgesetz \(BremGebBeitrG\)](#)

What deadlines must be paid attention to?

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

How long does it take to process

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

What are the costs?

The amount of the fee is based on Section 1 of the Construction Costs Ordinance, tariff numbers 101.15 to 101.17 and depends on the type of deviation applied for.