

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.

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 reviewed in the building permit procedure.

Competent Department

- [Die Senatorin für Bau, Mobilität und Stadtentwicklung | FB 02 | Stadtplanung, Bauordnung Nord](#)
- [Bauordnungsamt](#)
- [Die Senatorin für Bau, Mobilität und Stadtentwicklung | Abteilung 6 Stadtplanung/ Bauordnung \(Bremen Stadt\)](#)

Basic information

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.

Requirements

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.

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 apply for deviations from building law 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.

Legal bases

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

What deadlines must be paid attention to?

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.

How long does it take to process

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.

What are the costs?

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.

