

**STATE OF MINNESOTA**  
**ACCESS REVIEW BOARD**

In the Matter of the Application of  
Birchwood Senior Living,

FINAL DECISION  
Dated: April 5, 2019

Application No. 19-01

This matter came on for hearing before the Access Review Board (“Board”) on March 12, 2019. The record closed at the conclusion of the hearing.

Steve Daniels appeared on behalf of Birchwood Senior Living (“Birchwood”). Laura Hartmann appeared on behalf of Access Lifts. All members of the Board were present. Board Chair Karen Gridley and member Bill Reinke were present at the meeting in person, while members Margot Imdieke Cross, Jill Keen, and John Swanson were present via teleconference.

The issue in this application is whether the application for a waiver of the State Building Code for the purpose of installing a temporary stair lift should be granted.

Birchwood requested a waiver of the State Building Code in order to install a temporary stairway chair lift at its Forest Lake facility for a period of two weeks while its existing elevator is serviced. The chair lift would be used by staff, residents, and visitors who have difficulty using stairs.

The Board reviewed the application pursuant to the factors identified in Minn. Stat. § 471.471, subd. 3.

With regard to the first factor, the need for limited accessibility when a higher degree of accessibility is not required by state or federal law or rule, the Board discussed that the application for the chair lift is temporary and that the Birchwood facility already has an elevator installed which needs servicing.

With regard to the second factor, the architectural feasibility of providing a greater degree of accessibility than would be provided by the proposed device or equipment, the Board discussed that it is not feasible for Birchwood to install a second elevator shaft for its facility for use while the existing elevator at its facility was serviced. The Board also considered that the Birchwood facility would lose resident space if it installed a second elevator. The Board noted that the Building Code does not require installation of another elevator or lift.

With regard to the third factor, the total cost of the proposed device or equipment over its projected usable life, including installation, maintenance, and replacement costs, the Board discussed that the cost of the chair lift, \$3,350, is justified because the alternative costs are \$200,000 for a new elevator and \$20,000 for a platform lift.

With regard to the fourth factor, the reliability of the proposed device or equipment, the Board noted that the proposed chair lift is manufactured by a reputable company, Harmar Lifts, and comes with a three year warranty.

With regard to the fifth factor, the applicant's ability to comply with all recognized access and safety standards for installation and maintenance, the Board discussed that the chair lift, when folded, would provide enough space in the stairwell to satisfy the requirements of the Building Code.

With regard to the sixth factor, whether the proposed device or equipment can be operated and used without reducing or compromising minimum safety standards, the Board discussed that Birchwood's facility has four exit stairways and that the stairway where the chair lift would be located would still be compliant with the International Building Code, Chapter 10, section 1012.8 when the chair lift is folded. The Board also discussed that the Birchwood facility has a smoke detection and alarm system as well as a fire sprinkler system.

After considering these factors, Board member Reinke made a motion that the application for a waiver from the Building Code be approved to temporarily install a stairway chair lift for use by staff and residents who have difficulty using stairs to access the second floor of the Birchwood facility in Forest Lake, Minnesota using the 52-inch wide north stairway while the facility elevator undergoes repair. Board member Indieke Cross seconded the motion. The motion carried unanimously.

The Board's approval is subject to the following conditions:

- 1) The stairway chair lifts shall comply with the Minnesota Building Code and Minnesota Elevator Code requirements. Only licensed elevator contractors may install stairway chair lifts. Proper permits, inspections, and certificates for use shall be obtained by the licensed elevator contractor installing the lift. Licensed elevator contractors may be found by searching License Look Up at:

<https://secure.doli.state.mn.us/lookup/licensing.aspx>

- 2) The stairway chair lift shall be maintained in the folded position when not in use.

  
KAREN GRIDLEY, Chair  
Access Review Board