

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Alpine Condominiums,
10 Village Dr. #100
Proctor, MN 55810

FINAL DECISION
Dated: April 30, 2019

Application No. 19-02

This matter came on for hearing before the Access Review Board (“Board”) on April 5, 2019. The record closed at the conclusion of the hearing.

All members of the Board were present. Board Chair Karen Gridley and members Bill Reinke and Audel Shokohzadeh were present at the meeting in person, while members Margot Indieke Cross 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 stairway chair lift should be granted.

Alpine Condominiums requested a waiver of the State Building Code in order to install a stairway chair lift at its Proctor, Minnesota location. The condominium building includes 24 privately owned units. The proposed stairway chair lift would help individuals access the second floor of the condominium building. In its application, Alpine Condominiums reported that four individuals living on the upper floor level would benefit from the use of the stairway chair lift.

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 four Alpine Condominium residents require increased accessibility and an elevator or other higher degree of accessibility is not required by state or federal law because the occupant load of the upper floor level is below 30.

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 architecturally feasible to install an elevator because doing so would require eliminating resident condominiums or a required egress stairway in order to create space for an elevator or platform 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, \$25,000, is justified because the alternative costs are approximately \$200,000 for a new elevator.

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, Stannah. The Board discussed that the on/off switch on the chair lift should be made inaccessible to users and that the chairlift should only be turned off for maintenance.

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 Alpine Condominiums has four exit stairways ranging from 44 to 52 inches wide. The proposed stairway chair lift would be located in the 52-inch stairwell and would protrude 14 inches. The Board discussed that 38 inches is a compliant clearance as allowed by IBC Chapter 10, Section 1012.8. The Board also discussed that the building has a smoke detection alarm system but does not have 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 install a stairway chair lift in the Alpine Condominiums building in Proctor, Minnesota, in the 52-inch stairway with the condition that the device is left in the "on" position unless being serviced for maintenance. Reinke accepted a friendly amendment to include removing the stairway chair lift when it is no longer needed by the applicants who are requesting a waiver be approved for its installation. The motion was seconded and 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.
- 3) The stairway chair lift shall be left in the "on" position unless being serviced for maintenance.

- 4) The stairway chair lift shall be removed when there are no longer Alpine Condominiums residents who require the increased accessibility provided by the stairway chair lift.

Karen Gridley

KAREN GRIDLEY, Chair
Access Review Board