

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

In the Matter of the Application of  
La Crescent Veterinary Clinic,  
204 S. Walnut St.  
La Crescent, MN 55947

FINAL DECISION  
Dated: April 30, 2019

Application No. 19-03

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.

La Crescent Veterinary Clinic (“the Clinic”) requested a waiver of the State Building Code in order to install a stairway chair lift at its La Crescent, Minnesota location. The Clinic is a two-story building. There are two stairways accessing the 2,800 square foot second floor, each 61-inches wide.

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 a Clinic staff member who uses a wheelchair has requested an accommodation by means of a stairway chair lift. The Clinic also anticipates that Clinic clients may have increased accessibility needs. The Clinic stated that members of the public utilizing a stairway chair lift would be supervised by Clinic staff and that the chair lift will have a key lockout to prevent unauthorized use. The Board also discussed that an elevator would be required in the Clinic building if it were new construction under the current code, but that the existing building was built without an elevator.

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 architecturally feasible to install an elevator but doing so would require eliminating space necessary for the Clinic to operate. The Clinic also stated that installing an elevator is not within

its financial means. The Board discussed that the cost of adding an elevator is not justified and would prevent the Clinic from having the space necessary to operate its business. The Board discussed that the application was unclear with regard to the feasibility of accessibility options other than an elevator. The Board discussed adding conditions on public use to any waiver.

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 adding a stairway chair lift, \$4,490, is justified compared to the estimated \$100,000 it would cost to install a new two-stop 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.

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 the Clinic has two 61-inch wide exit stairways in the building. The folded chair protrudes 12.5 inches and the stairway where the proposed chair lift will be located would have 48.5 inches of clearance, which is compliant with IBC Chapter 10, Section 1009.4 The Board also discussed that the building has a smoke detection and alarm system but that it does not have a sprinkler system.

After considering these factors, Board member Shokohzadeh made a motion that the application for a waiver from the building code is approved to install a stairway chair lift in the Clinic building in La Crescent, Minnesota, for use by an employee of the Clinic as a reasonable accommodation. If the Clinic wishes to pursue separate application for a device usable by the public they have one year (365 days) from the date of this final decision to use the current approved chair in this application to give them time to investigate options for devices that would provide a greater degree of access to the public. During the one-year time period if the chair lift is used by the public it shall be under staff supervision. Board member Imdieke-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.

- 3) The waiver for use by the public shall last only 365 days from the date of this final decision. Any use by the public after such date must be subject to a subsequent waiver application submitted by the Clinic.

*Karen Gridley*

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KAREN GRIDLEY, Chair  
Access Review Board