

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Browerville Veteran's Club
120 7th St. East
Browerville, MN 56438

FINAL DECISION
Dated: April 30, 2019

Application No. 19-04

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.

Browerville Veteran's Club ("the Club") requested a waiver of the State Building Code in order to install a stairway chair lift at its Browerville, Minnesota location. The building is two stories with approximately 1,860 square feet per floor. Each stairway is approximately 40-inches wide. According to the Club's application, the proposed stairway chair lift would help approximately six individuals access the second floor of the building.

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 six of the Club's members have difficulty walking up stairs and would utilize the proposed stairway chair lift. The Board also discussed that the Club's building would require an elevator or other higher degree of accessibility if it were new construction under the current code, but that the existing building was originally 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 provide a greater level of access, but that an elevator is not

within their financial means. The cost of adding an elevator, approximately \$200,000, is not justified based on the Club's statement of unavailable financial resources.

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, \$7,000 is compared to \$200,000 for a new elevator. The Board discussed that the application form should be changed to require information on other means of increasing accessibility.

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 can be folded when not in use.

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 Club has two 40-inch wide exit stairways leading out of the upstairs bar area. When the proposed chair lift is folded, the stairway where the proposed chair lift would be located would be 26-inches wide, which is narrower than the minimum 27-inch clearance width allowed by IBC Chapter 10, Section 1009.4 for the Club's proposed occupant load of 75-80 individuals.

After considering these factors, Board member Swanson made a motion that the application for a waiver from the Building Code be rejected to install a stairway chair lift for the Club's building in Browerville, Minnesota, given the fact that the proposed occupant load stated in the application is between 75-80 occupants on the upper floor and the stairway is not wide enough to accommodate a stairway chair lift per the 2015 Minnesota Fire Code Chapter 7511, Section 1104.17.3.1 and the 2015 Minnesota Building Code Chapter 1305, Sections 1012.8 and 1009.4. Board member Shokohzadeh seconded the motion. The motion carried unanimously.



KAREN GRIDLEY, Chair
Access Review Board