

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

In the Matter of the Application of  
Proof Alliance  
1876 Minnehaha Ave. W.  
St. Paul, MN 55104

FINAL DECISION  
Dated: August 28, 2019

Application No. 19-05

This matter came on for hearing before the Access Review Board (“Board”) on July 8, 2019. The record closed at the conclusion of the hearing.

All members of the Board were present. Board Chair Karen Gridley and members Margot Imdieke Cross, Bill Reinke, and Audel Shokohzadeh were present at the meeting in person, while member John Swanson was 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.

Proof Alliance requested a waiver of the State Building Code in order to install a stairway chair lift in the building at 1876 Minnehaha Avenue, St. Paul, Minnesota. The 2-story building includes administrative offices on the second floor. There are two stairways accessing the approximately 2,849 square foot second floor, one 46.5 inches wide and the other 40 inches wide. The proposed chair lift is requested for the 46.5-inch-wide stairway.

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 some Proof Alliance staff members have chronic conditions making it painful to walk up the stairs on some days and that an elevator or other higher degree of accessibility is not required by state or federal law because the occupant load of the second 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 due to the construction of the space and other building code requirements.

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 \$23,435 cost of the chair lift during its 10 to 15-year lifespan is justified. Proof Alliance stated that its 10-year lease on the building coincides with manufacturer's predicted lifespan of the 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 for Life.

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 device allowed the user to fold the chair out of the way when not in use for safety and to maintain the device in good condition.

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 building has 2 stairways, one 46.5 inches wide and the other 40 inches wide. The proposed stairway chair lift would be located in the 46.5-inch stairwell and would protrude 16 inches, excluding the width of the handrail. The Board noted that 30.5 inches of clear passing space on stairway is a compliant clearance as allowed by IBC Chapter 10, Section 1012.8. The Board discussed that the building has a smoke detection and alarm system but does not have a fire sprinkler system. The Board noted that the local Fire Safety Manager for the City of St. Paul provided a letter of support for the installation of the chairlift in this building. Proof Alliance stated that the proposed chairlift was not being requested as a reasonable accommodation for a disabled employee but that it wanted to be able to accommodate a current employee who has a chronic health condition and future employees.

After considering these factors, Board member Swanson made a motion that the application for a waiver from the Building Code be approved to install a stairway chair lift at Proof Alliance, 1876 Minnehaha Avenue, St. Paul, Minnesota. 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.

  
KAREN GRIDLEY, Chair  
Access Review Board