

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Mary Hoppe Residence,

FINAL DECISION
Dated: August 28, 2019

Application No. 19-08

This matter came on for hearing before the Access Review Board (“Board”) on August 28, 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.

Mary Hoppe requested a waiver of the State Building Code in order to install a stairway chair lift at her residence in Bloomington, Minnesota. Hoppe resides in a second-floor townhome in a four-unit building. The proposed stairway chair lift would help Hoppe access her residence on the upper level of the townhome unit.

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 noted that Hoppe has difficulty walking the stairs to her townhome unit and that state and federal code do not require the building to have 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 noted that Hoppe’s application indicated that it is not architecturally feasible to install an elevator because the foyer does not have space for an elevator or lift without losing space in the townhome unit of the owner next door and the homeowner association does not have the budget to expand or remodel.

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 noted

that the estimated installation cost of the chairlift is \$4,000 with an annual maintenance cost of approximately \$160, which is justified.

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 Stannah, which is commercially rated and the most commonly sold unit by Arrow Lift.

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 townhome has a 42-inch-wide stairway and that the handrail is top mounted on the railing and does not protrude into the width of the stairs. The folded chair protrudes 13.50 inches, leaving 28 inches of clear passing space. The Board noted that 28 inches of clear passing space on a 42-inch-wide stairway is a compliant clearance as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8. The Board also noted that the model includes a wireless remote to call the chair from upper or lower landings if the chair is not in the needed location. The Board discussed that the building has a smoke detector but does not have an alarm system. The Board also discussed whether the chair should be kept in a locked position when not in use and whether the chair should be installed on the wall side of the stairs or on the open side. The Board noted that the handrail on the open side of the stairs would become unusable if the chair was installed on the open side.

The Board noted that Hoppe provided information that the homeowner association gave Hoppe approval to seek a waiver from the Access Review Board under the conditions that the staircase be returned to its original condition once Hoppe moves out of the townhome unit and that Hoppe verify with the fire marshal that installation of the stairway chairlift leaves adequate space for owners and emergency personnel to traverse the staircase. The Board also noted that Hoppe provided information from the Bloomington Building and Inspection officials that electrical or work permits may be necessary for any electrical work or structural alterations to the existing stairway.

After considering these factors, Board member Reinke made a motion that the application for a waiver from the building code is approved to install a stairway chairlift at Hoppe's townhome residence in Bloomington, Minnesota with the stipulation that the chair be left in the folded position when not in use. Board member Swanson 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