STATE OF MINNESOTA

ACCESS REVIEW BOARD

In the Matter of the Application of
CommonBond Communities,

FINAL DECISION
Dated: February 4, 2020

Application No. 19-20

     This matter came on for hearing before the Access Review Board ("Board") on January 10, 2020. 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 John Swanson and Margot Imdieke Cross 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.

     CommonBond Communities requested a waiver of the State Building Code in order to install a stairway chair lift at the Oak Ridge Manor senior living facility in Hastings, Minnesota. Oak Ridge Manor is a three-story senior living facility that is updating its existing elevator requiring the elevator to be out of service for four weeks. CommonBond Communities seeks to temporarily install a stairway chairlift in Stairway B to allow resident who are unable to use the stair to access their second and third floor dwelling units while the elevator is out of service. Once the elevator work is complete their intent is to remove the stairway chairlift.

     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 the senior living facility had some residents who resided on the second and third floors but that a higher degree of accessibility is not required because facility already has an elevator that is being updated.

     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 and the cost of providing a greater degree of accessibility, the Board noted that residents would lose homes in order to create space for a second elevator or platform lift and therefore it is not architecturally feasible to do so.

     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 determined that the estimated purchase, installation, and annual maintenance cost for the chairlifts of $5,000 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 a reputable company.

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 accordance with its warranty.

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 noted that the building has four exit stairways that are each 46 inches wide. The Board also noted that chairlift in its folded position protrudes 12.25 inches. The Board determined that although 33.75 inches of clear passing space on the 46 inch stairway is not a compliant clearance as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8, (the minimum clear width allowed is 35 inches), the stair is too narrow by 1.25 inches but when considered together with the two other stairways available for emergency egress, the overall clearance for egress sizing and capacity per the requirements of IBC Chapter 10, Sections 1005 is compliant, and the installation of the stairway chairlift in Stairway stairway C would not impact overall egress compliance. The chairlift model includes remotes on both landings to call the chair from upper or lower landings if the chair is not in the needed location. The building has a smoke detector, an alarm system, and a fire sprinkler system. Because Stairway C contains two split-landings, the Board noted that CommonBond Communities would need to install four stairway chairlifts in the stairway, one chairlift to access the first split-landing, one chairlift to access the second floor from the first split-landing, one chairlift to access the second split-landing from the second floor, and one chairlift to access the third floor from the second split-landing.

After considering these factors, Board member Shokohzadeh made a motion to approve the application for a waiver from the building code to install four chairlifts in Stairway C, one chairlift to access the first split-landing, one chairlift to access the second floor from the first split-landing, one chairlift to access the second split-landing from the second floor, and one chairlift to access the third floor from the second split-landing, at Oak Ridge Manor in Hastings, Minnesota. Board member Imdieke Cross seconded the motion. A friendly amendment was made to the motion noting that the stairway chairlifts are temporary and shall be removed upon the completion of repairs and maintenance to the elevator. Board members Shokohzadeh and Imdieke Cross accepted the friendly amendment 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.

Karen Gridley

KAREN GRIDLEY, Chair
Access Review Board