

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

In the Matter of the Application of  
Elbow Lake Baptist Church,

FINAL DECISION  
Dated: August 12, 2020

Application No. 20-04

This matter came on for hearing before the Access Review Board (“Board”) on May 27, 2020. The hearing was held remotely via WebEx after Board Chair Karen Gridley determined that an in-person meeting was not practical or prudent after Governor Walz declared a peacetime emergency under chapter 12 of the Minnesota statutes due to COVID-19. The record closed at the conclusion of the hearing.

All members of the Board were present via WebEx.

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.

Elbow Lake Baptist Church requested a waiver of the State Building Code in order to install a stairway chair lift at its church in Elbow Lake, Minnesota. The church is a two-level building with a sanctuary upstairs and an activity hall downstairs. The church seeks to install two chair lifts in one stairway with a split stair landing leading to the activity hall downstairs.

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 church has three to four members who are unable to access the activity hall in the basement.

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 the church indicate that there is insufficient space for greater accessibility and that it was not financially feasible for the church.

With regard to the third factor, the total cost of the proposed device or equipment over its projected usable life, including installation and maintenance costs, the Board determined that the estimated purchase, installation, and annual maintenance cost for the chairlift of \$3,000 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 Harmar, 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 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 noted that the stairway leading to the activity hall is 60 inches wide and the folded chair protrudes 10.50 inches. The Board determined that 49.50 inches of clear passing space on the stairway is a compliant clearance as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8. 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 does not have a smoke detector, an alarm system, or a fire sprinkler system.

After considering these factors, Board member Swanson made a motion to approve the application for a waiver from the building code to install two stairway chairlifts in the stairway leading to the activity hall at Elbow Lake Baptist Church in Elbow Lake, Minnesota. Board member Shokohzadeh 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