

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Bethany Lutheran Church,

FINAL DECISION
Dated: 10/6/2020

Application No. 20-05

This matter came on for hearing before the Access Review Board (“Board”) on August 13, 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.

Bethany Lutheran Church requested a waiver of the State Building Code in order to install a stairway chair lift at its church in Loman, Minnesota. The church is a split-level building with a sanctuary that is located up a short flight of stairs from the main building entrance. The church seeks to install a chair lift in one stairway leading to the sanctuary.

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 four members who have difficulty climbing the stairs to access the sanctuary.

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 there is insufficient space to install an elevator or vertical platform without removing the restroom and therefore, it was architecturally infeasible for the church to provide a greater degree of accessibility.

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 \$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 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 sanctuary is 7 feet 9.5 inches wide and the folded chair protrudes 12.75 inches. The Board determined that 6 feet 8.75 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 has a smoke detector and an alarm system but does not have a fire sprinkler system.

After considering these factors, Board member Reinke made a motion to approve the application for a waiver from the building code to install a stairway chairlift on the right-hand side of the main stairway leading to the sanctuary at Bethany Lutheran Church in Loman, Minnesota. 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