

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Karen Kulusity Residence,

FINAL DECISION
Dated: August 15, 2022

Application No. 22-08

This matter came on for hearing before the Access Review Board (“Board”) on July 18, 2022. The record closed at the conclusion of the hearing.

Board Chair Karen Gridley and Board member Bill Reinke were present in person, while Board member David Fenley was present via teleconference. Board members Marvin Forbrag and Audel Shokohzadeh were not present.

The issue in this application is whether the application for a waiver of the State Building Code for the purpose of installing a stairway chairlift should be granted.

Karen Kulusity requested a waiver of the State Building Code in order to install a stairway chairlift at her residence in Plymouth, Minnesota. Kulusity lives in a second-floor condominium unit of a four unit building and has difficulty using the stair. Kulusity seeks to install a straight rail chairlift on the stairway leading to her residence.

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 application indicates that the resident has back issues that make it difficult for her to use the stairs while carrying items. The building is not required to have an elevator by state or federal code.

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 application indicates that it was not architectural feasible because there is insufficient space for an elevator, or a platform lift without losing space in the other townhome units.

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 cost for the chairlift of \$3,500 is justified.

With regard to the fourth factor, the reliability of the proposed device or equipment, the Board noted that the proposed chairlift is manufactured by Bruno, 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 chairlift 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 stairway leading to the residence is 40 inches wide and that the handrail does not protrude into the width of stairs. The folded chair protrudes 12 inches. The Board determined that 28 inches of clear passing space on the proposed stairway is a compliant clearance as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8 for this type of building where the occupant load is less than 50. The building has a smoke detector, an alarm system, and a fire sprinkler system. The Board noted that the Timberton Homeowners Association Board provided approval for Kulosity's pursuit of approval from the Access Review Board and the other residents of the building have also provided their written consent for a chairlift to be installed in the common stairway of the building.

After considering these factors, Board member Reinke made a motion to approve the application for a waiver from the building code to install a chairlift on the common stairway leading to the Kulosity residence in Plymouth, Minnesota. Board member Fenley seconded the motion. The motion carried unanimously.

The Board's approval is subject to the following conditions:

- 1) The stairway chairlifts shall comply with the Minnesota Building Code and Minnesota Elevator Code requirements. Only licensed elevator contractors may install stairway chairlifts. 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 chairlift shall be maintained in the folded position when not in use.


KAREN GRIDLEY, Chair
Access Review Board