

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Nick's Bar,

FINAL DECISION
Dated: March 8, 2024

Application No. 23-18

This matter came on for hearing before the Access Review Board ("Board") on January 4, 2023. The record closed at the conclusion of the hearing.

Board Chair Karen Gridley and Board member Jim Weaver were present in person, while Board members Marvin Forbrag and David Fenley were present via teleconference. Board member Wehrman was 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.

Nick's Bar is a two-story bar/restaurant in Gilbert, Minnesota. Nick's Bar requested a waiver of the State Building Code to install a stairway chairlift in a stairway in the back of the building leading up to the second floor.

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 discussed that the application indicated that the chairlift would allow one or two employees to access the second floor to perform occasional work duties.

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 a contractor stated in the application that there was no common area in the building to install an elevator.

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 total cost of \$6,500 for the chairlift 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 Stannah, which is a reputable company. The chairlift model includes dual call and send remotes.

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 devices 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 building has a smoke detector system and an alarm system but does not have a fire sprinkler system. The applications stated that the proposed stairway is 45 inches wide, and the folded chair protrudes 12.75 inches. The Board determined that 32.25 inches of clear passing space on the proposed stairway is not a compliant clearance as allowed by IBC Chapter 10, Sections 1011.2 and 1014.8 where the occupant load on the second floor is more than 50, and the installation of the chairlift would compromise minimum safety standards. The Board questioned whether the door at the top of the stairs would be able to open with the chairlift installed because the application did not contain measurements for the top of the stairs.

After considering these factors, Board member Forbragd made a motion to deny the application for a waiver from the building code to install a stairway chairlift at Nick's Bar in Gilbert, Minnesota. Board member Fenley seconded the motion. The motion carried unanimously.


KAREN GRIDLEY, Chair
Access Review Board