

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
William Gavin Residence

FINAL DECISION
Dated: October 7, 2024

Application No. 24-10

This matter came on for hearing before the Access Review Board (“Board”) on September 10, 2024. 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 Forbragd, David Fenley, and Elise Wehrman 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 chairlift should be granted.

William Gavin requested a waiver of the State Building Code to install a curved rail stairway chairlift in the common stairway leading to his residence at Brookside Apartments in Marine on St. Croix, Minnesota. The stairway turns on an intermediate landing near the bottom portion of the stairwell.

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 Gavin has difficulty climbing the stairs to his apartment for medical reasons.

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 Gavin’s application indicates that there is no common area available to install an elevator without losing space in the other resident’s dwelling units and Gavin cannot afford the cost of installing an elevator. An elevator is not required in this building under the building code.

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 total estimated cost for a chairlift of \$13,500 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 model includes dual call and send remotes, a folding seat, armrests, and footrests.

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 upper section of the proposed stairway 36.5 inches wide, the lower portion of the proposed stairway is 45.5 inches wide, and the folded chair protrudes 16.75 inches. The Board determined that 19.75 inches of clear passing space on the upper portion of the proposed stairway is not a compliant clearance as allowed by IBC Chapter 10, Sections 1011.2, exception 1 and 1014.8 in this type building where the occupant load is less than 50. The building has a smoke detector system and an alarm system but does not have a fire sprinkler system. The building owner and the Building Official for the City of Marine on St. Croix provided letters of support for the installation of the proposed chairlift.

After considering these factors, Board member Forbragd made a motion to deny the application for a waiver from the building code to install a curved rail stairway chairlift in the stairway in leading to the Gavin Residence in Brookside Apartments in Marine on St. Croix, Minnesota. Board member Weaver seconded the motion. The motion carried unanimously.

The application for a waiver of the State Building Code to install a stairway chairlift leading to the upper level at the Gavin Residence in Brookside Apartments in Marine on St. Croix, Minnesota is denied.


KAREN GRIDLEY, Chair
Access Review Board