

STATE OF MINNESOTA

ACCESS REVIEW BOARD

In the Matter of the Application of

Winegar Residence

FINAL DECISION

Dated: January 22, 2026

Application No. 25-19

This matter came on for hearing before the Access Review Board (“Board”) on January 12, 2026. The record closed at the conclusion of the hearing.

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

Steve Ocel, of Ocel Builders and Metro Stairlift appeared on behalf of the Winegar Residence.

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.

Wendy Winegar requested a waiver of the State Building Code to install a stairway chairlift at her residence in White Bear Lake, Minnesota. Gillitzer lives in a condominium and seeks to install a straight rail chairlift in the stairway leading to her second-floor dwelling unit.

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 Winegar has difficulty climbing stairs due to hip conditions.

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 and photographs indicates that it was not architectural feasible to install a vertical lift without obstructing the common areas or losing space inside other owner’s 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 total installation, permit, and inspection costs for the proposed chairlift of \$2,000 is justified.

With regard to the fourth factor, the reliability of the proposed device or equipment, the Board noted that the proposed chairlift manufactured by Handicare 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 allows the user to fold the chair out of the way when not in use for safety and to maintain the device in good condition. The chairlift model includes a wireless remote to retrieve the chair.

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 it was unclear whether the proposed stairway was 39 or 49 inches wide. Steve Ocel clarified that the proposed stairway is 39 inches wide from the face of skirtboards on each side of the stairway. The folded chair protrudes 12.6 inches thereby leaving only 26.4 inches of clear passing space on the proposed stairway, which is not a compliant clearance allowed by IBC Chapter 10, Sections 1011.2, Exception 1 and 1014.8 where the occupant load is under 50 on the second floor for this type of building. IBC Chapter 10, Sections 1011.2, Exception 1 and 1014.8 require a clear passing space of 27 inches where the occupant load is under 50 on the second floor for this type of building. The Board questioned whether the chairlift could be installed so that the back of the chair was positioned above the skirtboard to increase the passing clearance width to 27-inches in compliance with IBC Chapter 10, Sections 1011.2, Exception 1 and 1014.8. Steeve Ocel confirmed that the chairlift could be installed above the skirtboard to maintain the minimum 27-inch clear passing space. The building has a smoke detector system but does not have an alarm system or a fire sprinkler system. The Board noted that the applicant provided a letter of approval from the property owner and a letter of support from the City of White Bear Lake Building Official.

After considering these factors, Board member Weaver made a motion to approve the application for a waiver from the building code to install a chairlift in the stairway leading to Winegar's second-floor dwelling unit in White Bear Lake, Minnesota subject to the conditions identified below. Board member Wehrman seconded the motion. The motion carried unanimously.

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

- 1) The chairlift must be installed to maintain minimum 27-inch clearance from folded footrest to opposite skirt board as required by IBC Chapter 10, Sections 1011.2, Exception 1 and 1014.8.
- 2) The contractor installing the chairlift must document the passing space clearance during installation with a photograph or video during video inspection with the elevator inspector.
- 3) The contractor installing the chairlift must notify Minnesota Department of Labor and Industry, Elevator Supervisor, Jim Weaver at james.weaver@state.mn.us when the permit is issued so that Mr. Weaver can notify the inspector of the installation condition requirements of this waiver approval and ensure an inspection is scheduled.
- 4) The stairway chairlifts shall comply with all applicable building and 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 the list of licensed stairway chairlift installers on the Board's website at:

<https://www.dli.mn.gov/about-department/boards-and-councils/access-review-board>

- 5) The stairway chairlift shall be maintained in the folded position when not in use.

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KAREN GRIDLEY, Chair

Access Review Board