

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Twelve Holy Apostles Greek Orthodox Church,

FINAL DECISION
Dated: December 9, 2021

Application No. 21-13

This matter came on for hearing before the Access Review Board (“Board”) on October 26, 2021. 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. George Jelatis, Rebecca Lind, and Dean Casperson appeared on behalf of Twelve Holy Apostles Greek Orthodox Church 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 chairlift should be granted.

Twelve Holy Apostles Greek Orthodox Church requested a waiver of the State Building Code in order to install a stairway chairlift at its church in Duluth, Minnesota. The church is a three-story building with a main floor, choir loft, and basement. The church seeks to install two chairlifts in a split-level stairway leading to the fellowship hall and restrooms located in the basement.

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 multiple members who struggle to use the stairs and several others who no longer attend because they are unable to use the stairs.

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 church’s application provided floor plans demonstrating that there is not sufficient space for the church to install an elevator or platform lift.

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 purchase and installation cost for the chairlift of \$52,700 is justified as the total cost also includes widening the stairway.

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.

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 noted that the split-level stairway will be 56 inches wide after they are widened, and the folded chair protrudes 12.75 inches. The Board determined that 43.25 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 dual call and send 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 smoke detectors and an alarm system but does not have a fire sprinkler system. The Board also noted that there is a second exit out of the basement.

After considering these factors, Board member Fenley made a motion to approve the application for a waiver from the building code to install two stairway chairlifts in the split-level stairway leading to the basement at Twelve Holy Apostles Greek Orthodox Church in Duluth, Minnesota. Board member Reinke 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