

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Faaberg Lutheran Church,

FINAL DECISION
Dated: May 4, 2022

Application No. 22-03

This matter came on for hearing before the Access Review Board (“Board”) on March 9, 2022. 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.

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.

Faaberg Lutheran Church requested a waiver of the State Building Code in order to install a stairway chairlift at its church in Fertile, Minnesota. The church is a split-level entry building with a sanctuary up a short flight of stairs from the entrance and a fellowship hall, a kitchen, and restrooms in the basement, which is down a flight of stairs from the entrance. The church seeks to install a chairlift leading from the entry area to the sanctuary and a chairlift from the entry area to 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’s application indicates that the church has an aging congregation who are unable to access the fellowship hall and restrooms in basement.

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 indicates that it is not architecturally feasible to install other means for providing access to the sanctuary and basement.

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 both the chairlifts of \$12,000 – \$15,000 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 Living Aids, 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 noted that the church states that it will have a full-time custodian oversee the maintenance of the chairlift and that individuals will be instructed on use of the chairlift.

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 stairway leading to the sanctuary is 96 inches wide and the stairway leading to the basement is 60 inches wide. The folded chairs protrude 18 inches. The Board determined that 78 inches of clear passing space on the proposed stairway leading to the sanctuary and that 42 inches of clear passing space on the proposed stairway leading to the basement are compliant clearances as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8. The church's application further indicates there is a second exit from both the sanctuary and basement. 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 a smoke detector system and an alarm system but does not have a fire sprinkler system.

After considering these factors, Board member Reinke made a motion to approve the application for a waiver from the building code to install a straight rail chairlift in the stairway leading to the sanctuary and a straight rail chairlift leading to the basement at Faaberg Lutheran Church in Fertile, Minnesota. Board member Shokohzadeh 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
KAREN GRIDLEY, Chair
Access Review Board