

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Willmar Fraternal Order of Eagles,

FINAL DECISION
Dated: July 14, 2021

Application No. 21-06

This matter came on for hearing before the Access Review Board (“Board”) on June 30, 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. Roger Stephens and Tonie Rende appeared on behalf of Willmar Fraternal Order of Eagles.

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.

Willmar Fraternal Order of Eagles previously requested a waiver of the State Building Code in order to install a stairway chairlift at its building in Willmar, Minnesota. The building is a two-level building with a split-level entry on the east side of the building. The Willmar Fraternal Order of Eagles sought to install two chairlifts, one in the stairway leading to the lower level and one in the stairway leading to the upper level. At its April 4, 2021, meeting, the Board reviewed the application pursuant to the factors identified in Minn. Stat. § 471.471, subd. 3 but tabled its review of the application to allow the applicant to obtain additional information relating to whether the removal of the door leading to the lower level violated any building or fire code requirements. Willmar Fraternal Order of Eagles has resubmitted its application for a waiver of the State Building Code for the purpose of installing a stairway chairlift with requested information.

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 Willmar Fraternal Order of Eagles has two members who have difficulty climbing the stairs due to health issues.

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 indicated that it was not architectural feasible to install an elevator because there is insufficient room.

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, installation, and maintenance cost for two straight rail chairlifts of \$8,000 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 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 each stairway is 60 inches wide, and the folded chair protrudes 13.75 inches. The Board determined that 46.25 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 Board discussed that the proposed chairlift model docks at the top step of the stairway leading to the lower level and that the chair rotates toward the landing to allow the user to step off. The Board noted that the landing is obstructed by a wall and door preventing the user from safely standing up onto the landing and questioned whether the door could be removed without violating fire code requirements. Willmar Fraternal Order of Eagles provided a statement from the local building code official stating that the access door to the lower level was not a fire rated door or assembly. This demonstrates that the door can be removed without violating the building code to provide an unobstructed landing area. The chairlift model includes 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.

After considering these factors, Board member Reinke made a motion to approve the application for a waiver from the building code to install two stairway chairlifts in the east entrance stairway at the Willmar Fraternal Order of Eagles in Willmar, Minnesota. Board member Fenley seconded the motion. The motion carried unanimously.


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

- 1) The door at the upper landing of the lower flight of stairs leading to the lower level shall be removed permanently in order to provide an unobstructed landing while the stairway chairlift is in place. If the stairway chairlift is removed in the future, the door may be reinstalled at that time.

- 2) 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>

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



KAREN GRIDLEY, Chair
Access Review Board