

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Provide Care Inc.,

FINAL DECISION
Dated: May 4, 2022

Application No. 21-17

This matter came on for hearing before the Access Review Board (“Board”) on January 26, 2022, and March 9, 2022. The hearings were held remotely via WebEx after Board Chair Karen Gridley determined that in-person meetings were 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 March 9, 2022.

All members of the Board were present during January 26 and March 9 meetings 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.

Provide Care Inc. requested a waiver of the State Building Code in order to install a stairway chairlift at its building in North Branch, Minnesota. Provide Care Inc. is located in a building with a main level and a mezzanine. Provide Care Inc. sought to install a curved rail continuous chairlift or two straight rail chairlifts in the stairway leading from the main level to the mezzanine. At its January 26, 2022, 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 regarding the square footage of the open areas on the mezzanine level. Provide Care Inc. 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 owner of Provide Care Inc. has difficulty climbing 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 application indicated that it

was not architectural feasible to install an elevator because there is insufficient room and other devices are not financially feasible.

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 a curved continuous chairlift of \$13,000 along with an annual maintenance cost of \$200-\$400 is justified. The Board also determined that the estimated purchase and installation cost for two straight rail chairlifts of \$8,600 is justified.

With regard to the fourth factor, the reliability of the proposed device or equipment, the Board noted that both of the proposed chairlift options are 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 stairway to the mezzanine is 48 inches wide, and the folded curved rail chairlift protrudes 14.5 inches from the wall. The folded straight chairlift protrudes 13.5 inches from the wall. The Board determined that 33.5 inches of clear passing space on the stairway for the curved rail chairlift, and that 34.5 inches of clear passing space on the stairway for the straight rail chairlift are compliant clearances as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8 when the occupant load is less than 50 people. The Board noted that Provide Care Inc. provided information that the occupant load for the mezzanine's occupied spaces is 40. 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 either a curved rail continuous chairlift or two straight rail chairlifts in the stairway leading from the main level to the mezzanine of Provide Care Inc.'s location in North Branch, Minnesota. Board member Fenley 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