

**STATE OF MINNESOTA**  
**ACCESS REVIEW BOARD**

In the Matter of the Application of  
Wesley Assisted Living Residence,

FINAL DECISION  
Dated: March 8, 2023

Application No. 22-17

This matter came on for hearing before the Access Review Board (“Board”) on January 20, 2023. The record closed at the conclusion of the hearing.

Board Chair Karen Gridley and Board members Bill Reinke and Marvin Forbragd were present in person, while Board members Scott Buetel and David Fenley were present via teleconference.

Stacy Wade and Nancy Hillstrom appeared via teleconference on behalf of Wesley Assisted Living 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.

Wesley Assisted Living Residence requested a waiver of the State Building Code to install two straight rail stairway chairlifts at the assisted living facility in Duluth, Minnesota. The facility is a two-story building that has 27 sleeping units on the second floor. The facility currently has an operational elevator but it typically takes about two weeks to repair when it breaks down. The facility seeks to install two stairway chairlifts to allow some residents to get to the second floor when the elevator is out of service or being repaired. The proposed stairway has two sections of stairs with a mid-level landing.

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 assisted living facility’s application states that approximately ten people would use the chairlift to access the second floor when the elevator is not operational.

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 assisted living facility had an operational elevator, but it is unreliable and consistently in need of repairs. Nancy Hillstrom

informed the Board that the facility has discussed replacing the elevator but that she does not have a date for replacement due to the significant cost of replacing it. Hillstrom stated that the facility is trying to keep the elevator operational with repairs.

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 cost to purchase and install the chairlift of \$5,000 is justified.

With regard to the fourth factor, the reliability of the proposed device or equipment, the Board noted that the proposed chairlifts are manufactured by Stannah, which is a reputable company. The chairlift model includes dual call and send remotes, a folding seat, armrests, and footrests.

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 accordance with its warranty.

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 proposed stairway is 46 inches wide, and the folded chair protrudes 12.75 inches. The Board determined that 33.25 inches of clear passing space is a compliant clearance as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8 where the occupant load is more than 50. The Board also noted that there are two other exits from the second floor. The building has a smoke detector system, an alarm system, and a fire sprinkler system on both floors. The Board noted that the Duluth Fire Marshal provided a letter in support of the installation of the proposed chairlift.

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 stairway located in the back of the building leading to the second floor at the Wesley Assisted Living Residence in Duluth, Minnesota subject to the following conditions:

- 1) The existing elevator shall not be eliminated upon installation of the stairway chairlifts;
- 2) The stairway chairlifts shall only be used when the existing elevator is not in service due to repairs;
- 3) Alterations to upgrade the existing elevator and its components to ensure the elevator is in reliable working order or the installation of a new elevator should be completed within three (3) years from the date of installation of the stairway chairlifts; and
- 4) The stairway chairlifts shall be removed when a new elevator is installed or when the existing elevator is altered or upgraded to be compliant with current Minnesota Building Code and Minnesota Elevator Code requirements.

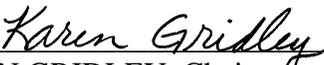
Board member Forbragd seconded the motion. The motion carried unanimously.

The Board's approval is further 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