

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Seventh Day Adventist Church

FINAL DECISION
Dated: March 8, 2023

Application No. 22-19

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.

Pastor Jude Senatus appeared by teleconference on behalf of Seventh Day Adventist Church.

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.

Seventh Day Adventist Church requested a waiver of the State Building Code to install a stairway chairlift at its church. The church is a one-story building with a basement consisting of bathrooms, a kitchen, and a fellowship hall. The church seeks to install a curved rail stairway chairlift in the stairway leading to the basement. The stairway has three sections with two mid-landings.

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 numerous members are unable to walk up and down the stairs leading to the 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 was not architectural feasible because there is insufficient space for an elevator without major excavation costing about \$300,000, which the small congregation cannot afford.

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 for the chairlift of \$16,900 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. 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 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 proposed stairway is 57 inches wide, and the folded chair protrudes 16 inches. The Board determined that 41 inches of clear passing space on the proposed stairway 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 building does not have a smoke detector system, an alarm system, or a fire sprinkler system. 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 a curved rail chairlift in the front stairway leading to the basement of the Seventh Day Adventist Church in Duluth, Minnesota. Board member Forbragd 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