

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

In the Matter of the Application of  
The Red Hen House Retreat Center

FINAL DECISION  
Dated: June 2, 2023

Application No. 23-01

This matter came on for hearing before the Access Review Board (“Board”) on March 2, 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 member Tristy Auger was present via teleconference. David Fenley joined the meeting by teleconference but was not present during portions of the discussion relating to this application.

Barbara Lent appeared by teleconference on behalf of The Red Hen House Retreat Center.

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.

The Red Hen House Retreat Center requested a waiver of the State Building Code to install a stairway chairlift at its facility in Brooten, Minnesota. The center is a short-term lodging facility for craft retreats. It has bedrooms, a kitchen, a dining area, and a bathroom on the lower level and a crafting area, sitting area, and a bathroom on the upper level. The center seeks to install a straight rail chairlift in the stairway leading to the upper level.

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 center’s application indicates that the center has clients that struggle with the stairs and are unable to enjoy activities on the upper level with others at the center. Barbara Lent informed the Board that many of her clients are aging and find discomfort using 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 center’s application indicates that it was not architectural feasible because there is insufficient space for an elevator or platform lift.

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 installation cost of \$3,000-\$5,000 and annual maintenance cost of \$150 per year are 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 37 inches wide, and the folded chair protrudes 13.5 inches. The Board determined that 23.5 inches of clear passing space on the proposed stairway is a compliant clearance as allowed by IBC Chapter 10, Sections 1012.8 and 1011.2, Exception 3 for this type of facility where the occupancy classification is R-3 with. The building has a smoke detector system and an alarm system but does not have a fire sprinkler system. The Board noted that the Brooten Fire Chief 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 straight rail chairlift in the stairway leading to the upper level The Red Hen House Retreat Center in Brooten, Minnesota. Board member Forbragd seconded the motion. Board member Fenley abstained from voting because he was not present for portions of the discussion pertaining to the application. 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