

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

In the Matter of the Application of  
United Protestant Church UCC

FINAL DECISION  
Dated: December 29, 2023

Application No. 23-16

This matter came on for hearing before the Access Review Board (“Board”) on November 16, 2023. The record closed at the conclusion of the hearing.

Board Chair Karen Gridley and Board member Bill Reinke were present in person, while Board members Marvin Forbragd and David Fenley were present via teleconference. Board member Wehrman was not present.

Pastor Mitch Nelson appeared via teleconference on behalf of United Protestant Church UCC.

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.

United Protestant Church UCC requested a waiver of the State Building Code to install two stairway chairlifts at its church Duluth, Minnesota. The church is a two-story building with a split-level entry vestibule that leads to the sanctuary and the basement in the rear of church. The church seeks to install a straight rail stairway chairlift in the stairway in leading from the entry vestibule to the sanctuary and a straight rail stairway chairlift in the stairway in leading from the entry vestibule to the basement.

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 states that it has 5-10 members who would use the chairlifts a few times per week.

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 there is no common area available to install an elevator and that the congregation is small with a limited budget. Pastor Nelson stated that platform lifts were considered but the chairlifts seemed to be the right solution for a 100-year-old historic church.

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 total cost of \$13,000 for both chairlifts 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 folded chairs protrude 12.5 inches. The proposed stairway leading to the basement is 36.75 inches wide and the proposed stairway leading to the sanctuary is 40.5 inches wide. The Board determined that 24 inches of clear passing space on the proposed stairways leading to the basement and that 27.75 inches of clear passing space on the proposed stairways leading to the sanctuary are not compliant clearances as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8 where the occupant load is more than 50; however, the church has three exits out of the basement. The Board The building does not have a smoke detector system, alarm system, or 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 a straight rail chairlift in the stairway leading from the rear entry vestibule to the basement and to deny the application for a waiver from the building code to install a straight rail chairlift in the stairway leading from the rear entry vestibule to the sanctuary at United Protestant Church UCC 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 all applicable building and 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 the list of licensed stairway chairlift installers on the Board's website at:

<https://www.dli.mn.gov/about-department/boards-and-councils/access-review-board>

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

  
KAREN GRIDLEY, Chair  
Access Review Board