

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Dawn's Quilt Shop,

FINAL DECISION
Dated: December 29, 2023

Application No. 23-17

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.

Todd Gieseke appeared via teleconference on behalf of Dawn's Quilt Shop.

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.

Dawn's Quilt Shop ("Shop") is a tenant of a building in Alexandria, Minnesota. The Shop requested a waiver of the State Building Code to install a stairway chairlift in an exterior stairway leading into the building and a stairway chairlift in an interior stairway leading to an upper-level space within the Shop. The building owner supported the Shop's requests.

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 discussed that the Shop's application indicated that the primary purpose for the chairlift is to allow its customers to access the Shop's upper-level workspace. The Board noted that the City's request did not pertain to a specific individual but rather was a request to accommodate customers from the general public. The Board expressed concerns about the limited public accessibility.

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 Shop's application stated that there was insufficient space in the building to install an elevator and that an architectural study of the building would be necessary to determine architectural feasibility considering that adding a lift or elevator would impact the lower-level spaces.

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 \$10,000 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 Lifetime Warranty Lifts, which not a known elevator or lift company, and they are not a licensed elevator contractor with the State of Minnesota. Attempts to locate information about the company and its products by Board Member Reinke, State Elevator Supervisor were unsuccessful. The chairlift model includes dual call and send remotes, but Board members expressed concern with the unlicensed company and unknown product, and determined that the application lacked sufficient information to determine whether the proposed chairlifts met reliability requirements.

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 devices 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. The Board was concerned that exterior stairs appeared to be very old, potentially unstable, and too narrow; however, noted that the Shop provided an architectural plan to widen and rebuild the exterior stairway to comply with safety standard if the application is approved. The Board determined that the application lacked sufficient information to determine whether the proposed chairlift for the exterior stairway met safety requirements for outdoor use.

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 building has a smoke detector system and an alarm system but does not have a fire sprinkler system. The Shop's applications stated that the proposed interior stairway is 54 inches wide, and the proposed exterior stairway is 40 inches wide. The folded chair protrudes 12.5 inches. The Board determined that 41.5 inches of clear passing space on the proposed interior 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 but that 27.5 inches of clear passing space on the proposed exterior stairway is not a compliant clearance.

After considering these factors, Board member Reinke made a motion to deny the application for a waiver from the building code to install a stairway chairlift in an exterior stairway leading into the building and a stairway chairlift in an interior stairway leading to an upper-level space within Dawn's Quilt Shop in Alexandria, Minnesota. Board member Fenley seconded the motion. The motion carried unanimously.



KAREN GRIDLEY, Chair
Access Review Board