STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of Hazel Issa Residence,

FINAL DECISION
Dated: 2/1/2021

Application No. 20-12

This matter came on for hearing before the Access Review Board (“Board”) on November 17, 2020. The hearing was held remotely via WebEx after Board Chair Karen Gridley determined that an in-person meeting was not practical or prudent after Governor Walz declared a peacetime emergency under chapter 12 of the Minnesota statutes due to COVID-19. The record closed at the conclusion of the hearing.

All members of the Board were present via WebEx.

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.

Hazem Issa requested a waiver of the State Building Code in order to install a stairway chairlift to his father’s residence at the Fox Ridge Condominiums in St. Paul, Minnesota. Issa’s father, who is 94 years old and confined to a wheelchair, resides in a second-floor dwelling unit of the four unit building. Issa is the owner of the dwelling unit but does not reside there with his father. The proposed stairway chairlift would help Issa’s father access to the residence on the second level of the condominium.

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 Issa’s father is unable to walk the stairs to his dwelling unit and that state and federal code do not require the building to have an elevator.

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, the Board noted that it is not architecturally feasible to install an elevator because the foyer does not have space for an elevator or lift without losing space inside the other townhome units.
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 noted that the estimated installation cost of the chairlift at $5,000 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 ThyssenKrupp, which is commercially rated. The Board expressed concerns regarding the age of the proposed chairlift and whether it met current code requirements. The Board noted that a licensed contractor will not install a used chairlift unless it meets current code 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 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. The Board further stated that the proposed chairlift must be installed by a licensed elevator contractor.

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 discussed that the townhome has a 44 inch wide stairway and that the folded chair protrudes 10 inches, leaving 34 inches of clear passing space. The Board noted that 34 inches of clear passing space is a compliant clearance as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8. The Board also noted that the building has a smoke detector but does not have an alarm or fire sprinkler system. The Board further noted that the condominium association approved the installation of the chairlift pending the Board’s approval.

After considering these factors, Board member Reinke made a motion that the application for a waiver from the building code is approved to install a stairway chairlift in the common stairway serving Issa’s residence in the Fox Ridge Condominiums in St. Paul, Minnesota with the condition that the licensed elevator contractor performing the installation evaluate the equipment to ensure it is in good condition and complies with current code requirements. Board member Swanson 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