

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Michael Ray McKinney Residence,

FINAL DECISION
Dated: July 14, 2021

Application No. 21-09

This matter came on for hearing before the Access Review Board (“Board”) on June 30, 2021. 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.

Michael Ray McKinney requested a waiver of the State Building Code in order to install a stairway chairlift to his residence in Duluth, Minnesota. McKinney resides in a two-story condominium building with a parking garage in the basement. The proposed stairway chairlift would help McKinney access his residence from the parking garage.

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 McKinney has difficulty walking the stairs to his dwelling unit due to health issues 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 there is no common area in the building to install an elevator.

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 the estimated cost of the chairlift is \$6,000 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, Stannah, which is a reputable company.

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 discussed that the stairway is 48 inches wide and that the folded chair protrudes 12.75 inches, leaving 35.25 inches of clear passing space. The Board noted that 35.25 inches of clear passing space is a compliant clearance as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8. The chairlift model includes remotes on both landings to call the chair from upper or lower landings if the chair is not in the needed location. The Board also noted that the building does not have smoke detectors, an alarm system, or a 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 Fenley made a motion that the application for a waiver from the building code is approved to install a stairway chairlift in stairway serving McKinney's residence in Duluth, Minnesota. Board member Reinke 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