STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Bethany Lutheran Church,

FINAL DECISION
Dated: May 4, 2022

Application No. 22-02

This matter came on for hearing before the Access Review Board (“Board”) on March 9, 2022. 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.

Bethany Lutheran Church requested a waiver of the State Building Code in order to install a stairway chairlift at its church. The applicant did not identify where the church was located. According to the church’s application, the church is a two-story building with an entrance on the first floor, which contains a lobby, a classroom, and bathrooms. The second floor contains the sanctuary. The church seeks to install a chairlift in the stairway leading to the sanctuary.

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 indicated that it had four individuals who need access to the sanctuary.

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 indicated that it was not architectural feasible because there is insufficient space and too expensive to provide a greater degree of access.

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 purchase and installation cost for the chairlift of $10,000 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 Bruno Living Aid, which is a reputable company but that the church did not provide a specification sheet or model information for the proposed chairlift.

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 determined that it was unable to review this factor because the church did not provide a specification sheet or model information for the proposed chairlift.

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 church’s application indicated that proposed stairway leading to the sanctuary is 60 inches wide, but the application did not provide information pertaining to the amount of space that the folded chair would protrude into the stairway. Thus, the Board was unable to determine whether clearance space would be compliant with IBC Chapter 10, Sections 1009.4 and 1012.8. The building has a smoke detector system and an alarm system but does not have a fire sprinkler system.

After considering these factors, Board member Shokohzadeh made a motion to deny the application for a waiver from the building code to install a stairway chairlift in the proposed stairway leading to the sanctuary at Bethany Lutheran Church due to insufficient information pertaining to the church location, the model and specification of the proposed chairlift, and the potential feasibility of a platform lift. Board member Forbragd seconded the motion. The motion to deny the application carried unanimously. The applicant may request that the Board reconsider the application if the applicant provides the missing information.

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KAREN GRIDLEY, Chair
Access Review Board