

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Shelly-Marsh River Lutheran Church,

FINAL DECISION
Dated: January 10, 2023

Application No. 22-15

This matter came on for hearing before the Access Review Board (“Board”) on November 15, 2022. The record closed at the conclusion of the hearing.

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

Mark Dohman appeared by phone on behalf of Shelly-Marsh River Lutheran Church.

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.

Shelly-Marsh River Lutheran Church requested a waiver of the State Building Code in order to install a stairway chairlift at its church in Shelly, Minnesota. The church is a two-story building and seeks to install two chairlifts—one in the front entryway stairway leading to the sanctuary and one in the stairway to the side of the sanctuary leading to an exit and the basement. The Board noted that the stairway leading to the basement makes a 90-degree turn, which would require a curved rail chairlift or two straight rail chairlifts. The church confirmed that it intended for the chairlift to go all the way 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 indicates that five members would use the chairlifts twice a month.

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 it was not architectural feasible because the church does not have sufficient space or resources for other devices or equipment.

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 two straight rail chairlifts of \$11,870 is justified; however, the cost for the third straight rail chairlift or a curved rail chairlift in lieu of two straight rail chairlifts for the stairway leading to the basement was not provided.

With regard to the fourth factor, the reliability of the proposed device or equipment, the Board noted that the proposed chairlifts are manufactured by Bruno, 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 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.

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 front entryway stairway leading to the sanctuary is 138 inches wide and that the stairway leading to the basement is 45 inches wide. The folded chairs protrude 15.125 inches. The Board determined that 128.875 inches of clear passing space on the proposed stairway leading to the sanctuary 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 29.875 inches of clear passing space on the proposed stairway leading to the basement is not a compliant clearance as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8 where the occupant load is more than 50. The chairlift model includes dual call and send remotes on both landings to call the chair from upper or lower landings if the chair is not in the needed location. The building has a smoke detector system and an alarm system, but it does not have a 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 front entryway stairway leading to the sanctuary of Shelly-Marsh River Lutheran Church in Shelly, Minnesota and to deny the application for a waiver from the building code to install a chairlift in the stairway to the side of the sanctuary stairway leading to the basement of Shelly-Marsh River Lutheran Church. Board member Forbragd seconded the motion. The motion carried unanimously.

The Board's approval for the installation of a straight rail chairlift in the front entryway stairway leading to the sanctuary 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
KAREN GRIDLEY, Chair
Access Review Board