

**STATE OF MINNESOTA**  
**ACCESS REVIEW BOARD**

In the Matter of the Application of  
Palo Congregational Church,

FINAL DECISION  
Dated: June 6, 2023

Application No. 23-03

This matter came on for hearing before the Access Review Board (“Board”) on March 2, 2023. 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 members Tristy Auger and David Fenley were present via teleconference.

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.

Palo Congregational Church requested a waiver of the State Building Code in order to install a stairway chairlift at its church in Aurora, Minnesota. The church is a two-story building with a sanctuary, office and bathroom on the main level and a fellowship area, kitchen, and bathrooms on the lower level. The church seeks to install a chairlift in the stairway leading to the lower level of the church.

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 it has members with mobility issues getting to the lower level.

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 stated that there was insufficient space to install an elevator and that the church’s congregation is small with a limited budget.

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 a chairlift or \$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 Stannah, which is a reputable company. The chairlift model includes dual call and send remotes, a folding seat, armrests, and footrests.

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 noted that the proposed stairway is 43 inches wide. The folded chair protrudes 12.75 inches. The Board determined that 30.25 inches of clear passing space on the proposed stairway 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 building has a smoke detector system and an alarm system, but it does not have a fire sprinkler system. The Board noted that the volunteer Fire Chief for the City of Palo provided a letter of support based on the existence of windows in the basement that thought could be used for egress. After discussion, the Board determined that the windows in the basement are not allowed as a means of egress in commercial buildings and therefore the Board could not consider the windows as a third source of egress from the basement.

After considering these factors, Board member Forbragd made a motion to deny the application for a waiver from the building code to install the proposed chairlift in the stairway at Palo Congregational Church in Aurora, Minnesota due to insufficient clearance space in the stairway. Board member Auger seconded the motion. The motion carried unanimously.

  
KAREN GRIDLEY, Chair  
Access Review Board