

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Sham Hasson Residence

FINAL DECISION
Dated: August 7, 2023

Application No. 23-08

This matter came on for hearing before the Access Review Board (“Board”) on July 24, 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. Jinessa Tietz appeared on behalf of the applicant.

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.

Sham Hasson requested a waiver of the State Building Code in order to install a stairway chairlift at his condominium in Spring Lake Park, Minnesota. Hasson lives in lower-level condominium unit and is unable to use the stairs to access his home because he uses a wheelchair. Hasson seeks to install a straight rail chairlift on the stairway leading to his residence.

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 application indicates that the resident uses a wheelchair and unable to use the stairs. The building is not required to have an elevator by state or federal code.

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 application indicates that it was not architectural feasible because there is insufficient space for an elevator, or a platform lift without creating an opening in the structural foundation wall and adding to the exterior of the building.

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 cost for the chairlift of \$7,621 with a ten-year maintenance cost of \$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 Handicare, which is a reputable company. The chairlift model includes a wireless remote for upper and lower landings to call the chair when needed.

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 44 inches wide, and the folded chair protrudes 15.125 inches. The Board determined that 28.875 inches of clear passing space on the proposed stairways is a compliant clearance as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8 where the occupant load is under 50. The building has a smoke detector system and an alarm system. The building does not have a fire sprinkler system. The Board noted that property owner provided approval for the installation of the stairway chairlift in the common stairway leading to Hasson's residence.

After considering these factors, Board member Reinke made a motion to approve the application for a waiver from the building code to install a chairlift on the common stairway leading to the Hasson's residence in Spring Lake Park, Minnesota. Board member Forbragd 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