

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

In the Matter of the Application of  
Birmingham Residence

FINAL DECISION  
Dated: November 14, 2025

Application No. 25-18

This matter came on for hearing before the Access Review Board (“Board”) on November 13, 2025. The record closed at the conclusion of the hearing.

Board Chair Karen Gridley was present in person, while Board members Marvin Forbragd, Elise Wehrman, and David Fenley were present via teleconference. Board member Jim Weaver did not appear.

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.

Katherine Birmingham requested a waiver of the State Building Code to install a stairway chairlift at her residence in White Bear Lake Township, Minnesota. Birmingham lives in a condominium and seek to install a straight rail chairlift in the stairway leading to her second-floor dwelling unit.

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 Birmingham has difficulty climbing the stairs due to mobility limitations.

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 and photographs indicates that it was not architectural feasible to install a vertical lift without obstructing the circulation pathway or loosing space inside other owner’s units.

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 installation cost for the proposed chairlift of \$4,335 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 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 allows the user to fold the chair out of the way when not in use for safety and to maintain the device in good condition. The chairlift model includes a wireless remote to retrieve the chair.

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 42 inches wide, and the folded chair protrudes 12 inches. The Board determined that 30 inches of clear passing space on proposed stairway is a compliant clearance as allowed by IBC Chapter 10, Sections 1009.4 and 1012.8 where the occupant load is under 50 on the second floor for this type of building. The building has smoke detectors and an alarm system but does not have a fire sprinkler system. The Board noted that the applicant provided a letter of approval from the property management office.


After considering these factors, Board member Forbragd made a motion to approve the application for a waiver from the building code to install a chairlift in the stairway leading to Birmingham's second-floor dwelling unit in White Bear Lake Township, Minnesota. Board member Wehrman seconded the motion. The motion carried unanimously.

The Board's approval is subject to the following conditions:

- 1) The stairway chairlifts shall comply with all applicable building and 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 the list of licensed stairway chairlift installers on the Board's website at:

<https://www.dli.mn.gov/about-department/boards-and-councils/access-review-board>

- 2) The stairway chairlift shall be maintained in the folded position when not in use.

  
KAREN GRIDLEY, Chair  
Access Review Board