

STATE OF MINNESOTA
ACCESS REVIEW BOARD

In the Matter of the Application of
Bethany Lutheran Church

FINAL DECISION
Dated: March 25, 2024

Application No. 24-03

This matter came on for hearing before the Access Review Board (“Board”) on March 19, 2024. The record closed at the conclusion of the hearing.

Board Chair Karen Gridley and Board member Jim Weaver were present in person, while Board members Marvin Forbragd, David Fenley, and Elise Wehrman were present via teleconference.

Wendy Meyer appeared via teleconference on behalf of Bethany 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.

Bethany Lutheran Church requested a waiver of the State Building Code to install a stairway chairlift at its church in Storden, Minnesota. The church is a two-story building with a social hall in the basement. The church seeks to install a straight rail stairway chairlift in the stairway leading to the basement. The church currently has a chairlift in the stairway leading to the sanctuary level.

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 states that it has members who require assistance walking downstairs.

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 adding an elevator would require cutting through the church’s original brick exterior and adding an addition to the building. The elevator would also require a front and back door to serve the entry level and the basement level, which would require major construction beyond reasonable modifications for barrier removals without being part of a renovation.

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 total estimated cost for the chairlift of \$6,000 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.

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 model includes dual call and send remotes, a folding seat, armrests, and footrests.

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 80 inches wide, and the folded chair protrudes 13.5 inches. The Board determined that 66.5 inches of clear passing space on the proposed stairways is a compliant clearance as allowed by IBC Chapter 10, Sections 1014.8 and 1011.2 where the occupant load is more than 50. The church does not have a smoke detector system, alarm system, or a fire sprinkler system. It does have battery operated smoke detectors.

After considering these factors, Board member Forbragd made a motion to approve the application for a waiver from the building code to install a straight rail stairway chairlift in the stairway in leading to the basement at Bethany Lutheran Church in Storden, Minnesota. Board member Weaver 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