

STATE OF MINNESOTA

STATE BUILDING CODE BOARD OF APPEALS

In the Matter of the Appeal of
StarLift LLC,

Appeal No. 22-01

FINAL DECISION
Dated: April 19, 2022

This matter came on for hearing before the State Building Code Board of Appeals (“Board”) on April 7, 2022. The hearing was held by video conference as the Board determined, pursuant to Minn. Stat. § 13D.021, that an in-person meeting was not practical or prudent because of the COVID-19 pandemic. The record closed at the conclusion of the hearing.

Carl Kaeding, owner and representative of Kaeding Management Group, Jim Herget, architect for Reprise Design, and Ryan Alvarez, Star Lift supplier, appeared for applicant and appellant Star Lift LLC (“Appellant”). Thomas Duffy, general contractor with Turn-Key Associates, Cassandra Barden, property manager, and Mike Roebuck, President of Ron Clark Construction & Design also appeared. Bill Reinke, state elevator supervisor and inspector, appeared on behalf of the Minnesota Department of Labor and Industry’s Construction Codes and Licensing Division (“CCLD”).

The issue in this appeal is whether Appellant proposed an equally good or better form of construction to the requirements in the 2017 edition of the American Society of Mechanical Engineers A18.1 Safety Standard for Platform Lifts and Stairway Chairlifts (“ASME A18.1”). ASME A18.1 is incorporated into the 2020 State Building Code (“State Building Code”). Minn. R. 1307.0020, subpart 1(E). Specifically, Appellant submitted a permit for the installation of a vertical platform lift for the Aire Hotel & Apartments Ext. 1 Lift Project, located at 3 Appletree Square, Bloomington, Minnesota (“Project”). The Project’s vertical platform lift is designed to provide access to the building’s pool area. CCLD determined the Project’s proposed lift design exceeded the maximum lift travel of 168 inches authorized by section 2.7.1 of the ASME A18.1. Appellant is requesting an exception for an additional 36 inches of travel.

Appellant contends that the lift was designed with safety and Americans with Disabilities Act (“ACA”) accessibility in mind. Appellant did not anticipate that the lift would be used by everyone because the lift is designed to move at a low rate of speed. Appellant stated the rest of the building is served by a block of five elevators in a different portion of the building and that the proposed vertical lift will only provide access between the second level and pool level. Appellant stated it may not be feasible to install a low or normal elevator and expressed concern about another lift design having a deep pit that could collect water from the pool and potentially rust the equipment. Appellant additionally noted that the lift design provides additional safety by allowing

a clear view between people riding the lift and people in the pool area. Appellant argued that it is limited to one specific location for the lift and the only viable option is a lift that exceeds the maximum travel by 36 inches.

CCLD testified that the department received a permit from Star Lift LLC on February 3, 2022, and initially approved the permit because the inspector overlooked the travel distance on the proposed lift. CCLD stated that the permit was later denied after CCLD subsequently noticed the travel on the lift exceeded 168 inches, which is the maximum travel allowed by ASME A18.1. CCLD testified this travel requirement has been in place since 2005 and the elevator supervisor was unaware of any proposals to raise the travel limit.

The Board asked Appellant if there was an accessible route to the pool area from other areas of the building and whether the route to the pool complies with accessibility code requirements for Minnesota. Appellant stated the current pool area complies with Minnesota's accessibility requirements, but without the proposed lift, an individual would either need to use the stairs or go outside to gain access to the pool area. The Board discussed that Minn. R. 1300.0230, subpart 3, states that the Board does not have authority to waive the requirements of the State Building Code but noted the Board may approve construction proposed as an alternative method if an equally good or better form of construction is proposed. The Board asked whether Appellant had submitted a request for an alternative method under the State Building Code and CCLD stated it had not received a request for an alternative method.

Pursuant to the Board's authority under Minn. R. 1300.0230, and based upon the entire record including all documents, testimony, and arguments, the Board moved to affirm that the decision by the CCLD elevator supervisor correctly applied the ASME standard that limits the maximum rise to 168 inches, and that the Board has no authority to waive the requirements of the State Building Code. The vote was unanimous in favor of the motion and the motion carried.

RIGHTS OF APPEAL

This is the final decision of the State Building Code Appeals Board in this matter. A person aggrieved by this decision may, within 180 days of its date, appeal to the Commissioner of Labor and Industry as set forth in Minn. Stat. § 326B.139.



SCOTT MCKOWN, Chair
State Building Code Appeals Board