

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

In the Matter of the Application of  
Friends of the Arts Theater,

FINAL DECISION  
Dated: April 29, 2024

Application No. 24-04

This matter came on for hearing before the Access Review Board (“Board”) on April 17, 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 David Fenley, Marvin Forbragd, and Elise Wehrman were present via teleconference.

Faye Schmidt appeared via teleconference on behalf of Friends of the Arts Theater.

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.

Friends of the Arts Theater requested a waiver of the State Building Code to install a stairway chairlift at its theater and art center in Renville, Minnesota. The Theater and Art Center is an old church building with a split-level entry. The applicant seeks to install a chairlift in the stairway leading to the Theater space on the upper 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 discussed that the Theater’s application indicated that the chairlift is intended to be used by approximately 10-20 people per event at the Theater. The Board noted that the applicant’s request did not pertain to a specific individual but rather was a request to accommodate visitors from the general public. The Board expressed concerns about the limited public accessibility.

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 Theater’s application states that they intend to install an elevator in the future but that it is not financially feasible at this time.


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 of \$3,200 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.

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 48 inches wide. The folded chair protrudes 13.5 inches. The Board determined that 34.5 inches of clear passing space on the proposed stairway is not a compliant clearance as allowed by IBC Chapter 10, Sections 1011.2 and 1014.8 where the occupant load on each floor is more than 50. The building has a smoke detector system and an alarm system. The building does not have and a fire sprinkler system.

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 at the Friends of the Arts Theater in Renville, Minnesota. Board member Fenley seconded the motion. The motion carried unanimously.

  
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KAREN GRIDLEY, Chair  
Access Review Board