

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: ACCESSIBILITY SPECIALTIES, INC.
 FIRST CHRISTIAN CHURCH
 STUTT GART, ARKANSAS

ORDER

This matter came before the Elevator Safety Board on Wednesday, November 3, 2004. The petitioner, Accessibility Specialties, Inc. seeks a variance with respect to the installation of an vertical wheelchair lift to be installed at the First Christian Church, 911 South Main Street, Stuttgart, Arkansas. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The petitioner, Accessibility Specialties, Inc., 1920 John Barrow Road, Little Rock, Arkansas 72204 is registered with the Department of Labor as an installer of wheel chair lifts.
2. The petitioner seeks to install a Concord Prolift Voyager in the first Christian Church, 911 South Main Street, Stuttgart, Arkansas and requests a variance from two Code requirements. Petitioner requests to be able to penetrate an existing floor and requests to increase the lifting capacity from 750 pounds to 1400 pounds.
3. The penetration would be of an existing floor in space where a current lift exists. This would eliminate the need to change the outward appearance of the building and reduce the installation costs by about 30%.
4. Increasing the lifting capacity would increase the number of disabled citizens that could use the lift at the same time.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly

evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the board concludes that existing conditions prevent literal compliance with the standards adopted by the board and that reasonable safety will be secured with the granting of the variance.

THEREFORE, the board grants the variance to Accessibility Specialties, Inc. to install the Concord Prolift Voyager wheelchair lift in the First Christian Church, 911 South Main Street, Stuttgart, Arkansas, allowing 1) the penetration of one existing floor; and 2) an increase in lifting capacity from 750 pounds to 1400 pounds.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 2-18-05

Approved:
Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: ACCESSIBILITY SPECIALTIES, INC.
 PRAIRIE COUNTY COURTHOUSE

ORDER

This matter came before the Elevator Safety Board on Wednesday, November 3, 2004. The petitioner, Accessibility Specialties, Inc. seeks a variance with respect to the installation of a wheelchair lift to be installed at the Prairie County Courthouse, 605 Hwy 35 East, DesArc, Arkansas. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The petitioner, Accessibility Specialties, Inc., 1920 John Barrow Road, Little Rock, Arkansas 72204 is registered with the Department of Labor as an installer of wheel chair lifts.
2. The petitioner seeks to install a Concord Prolift Voyager in the Prairie County Courthouse and requests a variance of two specific Code requirements. Petitioner requests to be able to penetrate an existing floor and requests to increase the lifting capacity from 750 pounds to 1400 pounds.
3. The penetration would be of an existing floor in space where a current lift exists. This would eliminate the need to change the outward appearance of the building and reduce the installation costs by about 30%.
4. Increasing the lifting capacity would increase the number of disabled citizens that could use the lift at the same time.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly

evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the board concludes that existing conditions prevent literal compliance with the standards adopted by the board and that reasonable safety will be secured with the granting of the variance.

THEREFORE, the board grants the variance to Accessibility Specialties, Inc. to install the Concord Prolift Voyager wheelchair lift in the Prairie County Courthouse allowing 1) the penetration of one existing floor; and 2) an increase in lifting capacity from 750 pounds to 1400 pounds.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 2-18-05

Approved:
Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: ACCESSIBILITY SPECIALTIES, INC.
 LOGAN COUNTY COURTHOUSE

ORDER

This matter came before the Elevator Safety Board on Wednesday, November 3, 2004. The petitioner, Accessibility Specialties, Inc. seeks a variance with respect to the installation of an incline wheelchair lift to be installed at the Logan County Courthouse in Paris, Arkansas. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The petitioner, Accessibility Specialties, Inc., 1920 John Barrow Road, Little Rock, Arkansas 72204 is registered with the Department of Labor as an installer of wheel chair lifts.
2. The petitioner is contracted to install two Garaventa incline wheelchair lifts for installation on the stairs at the Logan County Courthouse in Paris, Arkansas. The petitioner requests a variance to reduce the platform size of the lift from 31 ½ x 48 inches to 27 ½ x 29 ½ inches due to the existing width of the staircase.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations.

In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the board concludes that the width of the existing staircase prevents literal compliance with the standards adopted by the board and that reasonable safety will be secured with the granting of the variance.

THEREFORE, the board grants the variance to Accessibility Specialties, Inc. to install two Garaventa incline wheelchair lifts in the Logan County Courthouse with a platform size on each lift of 27 ½ inches by 29 ½ inches.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 2-18-05

Approved:
Denise P. Oxley, 84-117
Chief Legal Counsel
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10421 West Markham Street
Little Rock, AR 72205
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BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: AS 1570

Howell, Trice, Hope & Files P.A.
211 Spring Street
Little Rock, AR 72201

ORDER

This matter came before the Elevator Safety Board on Wednesday, November 3, 2004. Howell, Trice, Hope & Files, P.A. did not appear. Larry Smothers, Chief Elevator Inspector, made a report and recommendation to the board. Also present representing the Department of Labor's staff recommendation was Denise Oxley, Chief Counsel.

The board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. Elevator AS #1570 is a passenger elevator located at 211 Spring Street, Little Rock, Arkansas 72201. It was installed in 1966. Howell, Trice, Hope & Files P.A. or its predecessor law firm occupied the building at the time of installation.
2. The elevator was properly permitted, inspected, and safety tested during the years following installation.
3. By report of March 2, 2004, a licensed elevator inspector, Tom Sparks, notified the Howell firm and the Department of Labor of three safety deficiencies. The only one at issue in this matter is the requirement of a two-way communication device. Subsequently, the Howell firm requested a variance of this code requirement.

4. It is not known why two-way communication was not required at the time of installation or in subsequent years. A Department of Labor inspector would have seen the elevator at least as often as the three-year safety testing.

CONCLUSIONS OF LAW:

1. At the time of installation of AS 1570, the Elevator Safety Board had adopted the American Society of Mechanical Engineers Safety Code for Elevators, ASME A17.1-1960. This Code was adopted on August 27, 1963 by regulation of the board.

2. ASME A17.1-1960, Rule 211.1 requires elevators to have one of the following emergency signal devices operable from within the car:

[a.] An electric signal bell, not less than six (6) inches in diameter located inside the building and audible outside the hoistway. Only one bell is required for a group of elevators if operable from all cars in the group.

[b.] A telephone or other means of communicating with the building personnel.

[c.] A telephone connected to a central telephone exchange system.

3. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

4. There is no evidence before the board that compliance would place an undue hardship on the petitioner or that literal compliance is prevented due to existing conditions. The board concludes that the variance should be denied.

THEREFORE, the variance requested by petitioners is denied.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD

STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 2-18-05

Approved:
Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: ROSS ELEVATOR AND
 FIRST FREE WILL BAPTIST CHURCH

ORDER

This matter came before the Elevator Safety Board on Wednesday, November 3, 2004. Ross Elevator was represented by Niles Ross and First Free Will Baptist Church was represented by counsel, Keith D. Coker, as well as by Dr. Kevin Riggs, Senior Pastor, and Allen Pointer, Youth Pastor. The Department of Labor was represented by Denise P. Oxley, Chief Counsel and by Larry Smothers, Chief Elevator Inspector.

The Board makes the following findings of facts and conclusions of law.

FINDINGS OF FACT:

1. First Free Will Baptist Church (hereinafter, the church) is located at 1103 East L Street, Russellville, Arkansas. Ross Elevator is located at 1200 Westpark Drive, Suite 405, Little Rock, Arkansas.
2. On or about March 8, 2004, Ross Elevator made an application for a variance to the Elevator Safety Division to install a residential elevator manufactured by Thyssen-Krupp in the church. The church wanted to install the elevator in its 2-story educational building for handicapped access.
3. The variance request first came before the board on May 12, 2004. The board requested that the church consider a vertical wheel chair lift or a limited use/limited access elevator and conditionally approved such an installation.

4. On September 23, 2004, the variance request was again before the board for reconsideration. The matter was continued until November 3, 2004, in order for the board to review the file on a prior variance granted the First Lutheran Church of Hot Springs before making a final decision.

5. In 2003, the board did grant a variance to the First Lutheran Church of Hot Springs to install the same elevator for travel between two floors. It was the recollection of the board that subsequent to First Lutheran Church variance, it had adopted a policy against the granting of variances to allow a residential elevator to be installed in any application other than a residence. The board's minutes did not reflect the formal adoption of such a policy.

CONCLUSIONS OF LAW:

1. The Board is authorized to grant a variance pursuant to Ark. Code Ann. § 20-24-106(d).

2. The Board finds that in the present case the variance should be granted for use of the church only and no other purpose or use.

THEREFORE, the board orders that the variance be granted only for use of and by the church and any other use is prohibited.

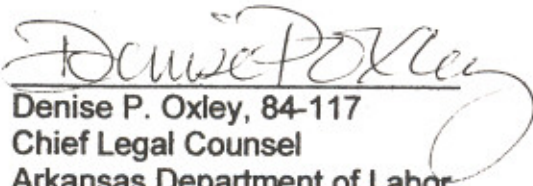
IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: James L. Salkeld
James L. Salkeld, Chairman

Date: 2-18-05

Approved: }


Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

Approved as to form:
Keith D. Coker
Coker Law Firm, P.A.
P. O. Box 2470
Russellville, AR 72811

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: COUNTRY HOME ELEVATOR
BENTONVILLE SPORTS FACILITY
400 NW 2D STREET
BENTONVILLE, ARKANSAS

ORDER

This matter comes before the Elevator Safety Board on Friday, February 18, 2005. The petitioner, Country Home Elevator, seeks a variance with respect to the installation of three (3) wheelchair lifts to be installed at the Bentonville Sports Facility, 400 NW 2d Street, Bentonville, Arkansas. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The petitioner, Country Home Elevator, 1549 E. 559th Road, Brighton, Missouri 65617, is registered with the Arkansas Department of Labor as an installer of wheelchair lifts.
2. Petitioner seeks to install three (3) wheel chair lifts in the Bentonville Sports Facility, 400 NW 2d Street, Bentonville, Arkansas. The lifts are manufactured by Concord.
3. Petitioner seeks a variance of 2 feet in lift for each lift.
4. The current Code, as adopted by the board, provides that travel for a wheel chair lift shall not exceed 12 feet. In the present case, installation is proposed in an existing facility to allow for wheelchair access to the press boxes at the Bentonville Sports Facility. The travel would be 14 feet.
5. The board received a report from Larry Smothers, Chief Elevator Inspector, Arkansas Department of Labor, who recommended approving the variance.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the board concludes that existing conditions prevent literal compliance with the standards adopted by the board or that an undue hardship exists and that reasonable safety will be secured with the granting of the variance.

THEREFORE, the board grants the variance to install three (3) wheel chair lifts in the Bentonville Sports Facility, 400 NW 2d Street, Bentonville, Arkansas, and to allow travel not to exceed 14 feet.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 2-18-05

Approved:
Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: LITTLE & ASSOCIATES
 THE ROCK
 2007 FAIR PARK BLVD.
 JONESBORO, ARKANSAS

ORDER

This matter comes before the Elevator Safety Board on Friday, February 18, 2005. The petitioner, Little & Associates, seek a variance with respect to the installation of a wheelchair lift to be installed at 2007 Fair Park Blvd., Jonesboro, Arkansas. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The petitioner, Little & Associates is an architectural firm and seeks to install a wheel chair lift in a dining and lounge facility, The Rock, 2007 Fair Park Blvd., Jonesboro, Arkansas. The lift is manufactured by National Wheel-O-Vator Co., Inc.
2. Petitioner seeks a variance of 2 feet in lift, for a total of 14 feet floor to floor.
3. The current Code, as adopted by the board, provides that travel for a wheel chair lift shall not exceed 12 feet. In the present case, installation is proposed in an existing facility with an open mezzanine which measures 14 feet from floor to floor with a 3-inch recessed slab.
4. The lift will be used to transport the club manager, who is wheelchair bound, to the open mezzanine area. There will be no public use.
5. The board received a report from Larry Smothers, Chief Elevator Inspector, Arkansas Department of Labor, who recommended approving the variance.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the board concludes that existing conditions prevent literal compliance with the standards adopted by the board or that an undue hardship exists and that reasonable safety will be secured with the granting of the variance.

THEREFORE, the board grants the variance to Little & Associates to install a wheel chair lift in The Rock, 2007 Fair Park Blvd., Jonesboro, Arkansas, and allowing travel not to exceed 14 feet floor to floor.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 2-18-05

Approved:
Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: ARKANSAS HOME ELEVATOR
 HOLIDAY ISLAND COMMUNITY CENTER
 188 STATE LINE ROAD
 HOLIDAY ISLAND, ARKANSAS

ORDER

This matter comes before the Elevator Safety Board on Friday, February 18, 2005. The petitioner, ArkansasHome Elevator, seeks a variance with respect to the installation of a wheelchair lift to be installed in the Holiday Island Community Center, 188 State Line Road, Holiday Island, Arkansas. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The petitioner, Arkansas Home Elevator, P.O. Box 1117, Springdale, Arkansas is registered with the Department of Labor as an installer of wheel chair lifts.
2. The petitioner seeks to install an Inclinator lift in the Holiday Island Community Center, 188 State Line Road, Holiday Island, Arkansas and requests a variance to be able to penetrate an existing floor.
3. The penetration would be of an existing floor and would eliminate the need to change the outward appearance of the building.
4. Larry Smothers, Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended approval of the variance.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the board concludes that existing conditions prevent literal compliance with the standards adopted by the board or that an undue hardship exists and that reasonable safety will be secured with the granting of the variance.

THEREFORE, the board grants the variance to Arkansas Home Elevators to install an Inclinator lift in the Holiday Island Community Center, 188 State Line Road, Holiday Island, Arkansas, allowing the penetration of one existing floor.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 2-18-05

Approved:
Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: AS #3004
 SMC PACKAGING GROUP
 WONDER STATE BOX DIVISION

ORDER

This matter comes before the Elevator Safety Board on Friday, February 18, 2005. The petitioner, SMC Packaging Group, Wonder State Box Division (hereinafter, Wonder), is the owner of the building at 584 Commerce Road, Conway, Arkansas which is the location of Elevator AS #3004.

The Board makes the following findings of facts and conclusions of law.

FINDINGS OF FACT:

1. The elevator, AS 3004 is located at 584 Commerce Road, Conway, Arkansas.
2. This elevator was installed in 1982 as a freight elevator. The records before the Arkansas Department of Labor reflect that it is a platform lift, chain driven with no car controls and no passengers.
3. The Department of Labor's records reflect that on January 9, 1984, Elevator Inspection Service, Inc. recommended that the then-owner, Valley Pump Group, install a "No Riders" sign, which the owner agreed to do.
4. The petitioner, Wonder, requests re-classification of this unit to a material lift. Larry Smothers, Chief Elevator Inspector, Arkansas Department of Labor made a report to the board and recommended that the re-classification be approved.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. §20-24-101(8) defines elevator, in part as:

(8) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction;

(A) The term "elevator" shall not include a dumbwaiter, conveyor, chain or bucket hoist, construction hoist, or similar devices used for the primary purpose of elevating or lowering materials, nor shall it include tiering, piling, feeding or similar machines or devices giving service within only one (1) story;

2. The board has allowed such re-classification in the past upon compliance with certain conditions. In the present case the board finds that such re-classification should be allowed subject to the following conditions:

- a. No passenger will ride the unit at any time for any reason; and
- b. Signs will be posted at each landing prohibiting passengers, which will be conspicuously posted and read: "No Passengers Allowed by Law – Material Lift Only".

THEREFORE, the board approves the re-classification of this elevator as a material lift condition upon: 1) No passenger will ride the unit; and 2) Signs will be posted at each landing prohibiting passengers, which will be conspicuously posted and read: "No Passengers Allowed by Law – Material Lift Only".

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 2-18-05

Approved:

Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: ARKANSAS CONVERSION CENTER, INC.
 ASSEMBLY OF GOD CHURCH
 10924 I-30
 LITTLE ROCK, ARKANSAS

ORDER

This matter comes before the Elevator Safety Board on Friday, February 18, 2005. The petitioner, Arkansas Conversion Center, Inc., seeks a variance with respect to the installation of a wheelchair lift to be installed at the Assembly of God Church, 10924 I-30, Little Rock, Arkansas. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The petitioner, Arkansas Conversion Center, Inc. P.O. Box 2347, Benton, Arkansas is registered with the Department of Labor as an installer of wheel chair lifts.
2. The petitioner seeks to install a National Wheel-O-Vator HCDE-156 in the Assembly of God Church located at 10924 I-30, Little Rock, Arkansas and requests a variance to be able to penetrate an existing floor.
3. The penetration would be of an existing floor and would eliminate the need to change the outward appearance of the building.
4. Larry Smothers, Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended approval of the variance.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted

where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the board concludes that existing conditions prevent literal compliance with the standards adopted by the board or that an undue hardship exists and that reasonable safety will be secured with the granting of the variance.

THEREFORE, the board grants the variance to Arkansas Conversion Center, Inc. to install the National Wheel-O-Vator HCDE-156 wheelchair lift in the Assembly of God Church, 10924 I-30, Little Rock, Arkansas, allowing the penetration of one existing floor.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 2-18-05

Approved:
Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: ARKANSAS CONVERSION CENTER, INC.
 HICKEY BUILDING
 144 GEORGE STREET
 MT. IDA, ARKANSAS

ORDER

This matter comes before the Elevator Safety Board on Friday, February 18, 2005. The petitioner, Arkansas Conversion Center, Inc., seeks a variance with respect to the installation of a wheelchair lift to be installed at the Hickey Building, 144 George Street, Mt. Ida, Arkansas. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The petitioner, Arkansas Conversion Center, Inc. P.O. Box 2347, Benton, Arkansas is registered with the Department of Labor as an installer of wheel chair lifts.
2. The petitioner seeks to install a National Wheel-O-Vator HBC-156 in the Hickey Building, 144 George Street, Mt. Ida, Arkansas and requests a variance to be able to penetrate an existing floor.
3. The penetration would be of an existing floor and would eliminate the need to change the outward appearance of the building.
4. Larry Smothers, Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended approval of the variance.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted

where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the board concludes that existing conditions prevent literal compliance with the standards adopted by the board or that an undue hardship exists and that reasonable safety will be secured with the granting of the variance.

THEREFORE, the board grants the variance to Arkansas Conversion Center, Inc. to install the National Wheel-O-Vator HBC-156 in the Hickey Building, 144 George Street, Mt. Ida, Arkansas, allowing the penetration of one existing floor.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 2-18-05

Approved:
Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham Street
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