

**BEFORE THE ELEVATOR SAFETY BOARD  
STATE OF ARKANSAS**

**IN RE: MONARCH INVESTMENT AND MANAGEMENT  
VANTAGE POINT APARTMENT  
AS #2367 AND #2370**

**CONSENT ORDER**

This matter comes before the Elevator Safety Board on Thursday, November 17, 2016, upon a variance request from Monarch Investment and Management. The Arkansas Department of Labor and the petitioner agree with respect to disposition of this matter and the granting of the variance.

**FINDINGS OF FACT:**

1. The petitioner submitted a variance request to the Arkansas Department of Labor on or about August 9, 2016, for two conveyances located at the Vantage Point Apartments, 2300 Rebsamen Park Road, Little Rock Arkansas.
2. The petitioner seeks to update or alter two existing passenger elevators that were installed in 1973. Thyssen Krupp is the licensed elevator contractor performing the alteration.
3. Petitioner seeks a variance from the minimum dimensions of the elevator cars contained in ANSI A117.1 (2003) as adopted by the board. Elevator Safety Board Rule 010.05-018(Sept. 1, 2006). The variance is sought due to the size of the existing hoistways.
4. The Chief Elevator Inspector for the Department of Labor inspected the conveyance on or about November 4, 2016, and completed a staff report and recommendation on the variance request dated November 4, 2016.

5. The staff report reflects that the overhead clearance with the car up to the mechanical stop is 46 inches and is within the requirement of the applicable code section, which is 43 inches. The report does recommend, but does not propose a requirement, that a sign be placed at the top of the hoistway stating "Low Overhead" as a precautionary measure.

6. The staff report reflects that the door width is 32 inches. Further, A117.1-2003, as adopted by the board, Elevator Safety Board Rule 010.05-018 (Sept. 1, 2006), requires a door width of 36 inches. The Chief Inspector recommends that a variance be granted with respect to the door widths on the two conveyances for 32 inches.

7. The staff report further reflects that the inside dimensions of the cabs are 36  $\frac{3}{4}$  inches by 54  $\frac{1}{2}$  inches. The minimum car dimensions for existing elevators pursuant to Section 407.4 of A117.1-2003 are 36 inches by 54 inches.

**CONCLUSIONS OF LAW:**

8. 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."

8. In the present case, the board concludes that existing conditions, in terms of the existing hoistway, prevent compliance with the literal requirements of the rules. The board also concludes that reasonable safety will be secured by granting a variance with respect to door width to 32 inches for both AS #2367 and #2370.

9. A variance for overhead clearance and inside cab dimensions is unnecessary unless the measurements reflected above change.

THEREFORE, a variance is granted to allow a door width of 32 inches for AS #2367 and #2370.

IT IS SO ORDERED.

By: LSJ  
Leon Jones, Jr., Chairman

Date: 11-17-16

Approved:  
ARKANSAS DEPARTMENT OF LABOR

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MONARCH INVESTMENT AND  
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