

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

**IN RE: TEMPLE HOLDINS LLC
 ELEVATOR AS # 7937**

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, July 21, 2016. The petitioner, Temple Holdings LLC, seeks a variance for the above referenced conveyance, located at 200 N. 11th Street in Fort Smith, Arkansas.

FINDINGS OF FACT:

1. The petitioner submitted an amended variance request to the Arkansas Department of Labor on July 15, 2016 through Craig Jones of Country Home Elevator and Vincent Chadick of Quattlebaum, Grooms & Tull PLLC¹.
2. Petitioner seeks a variance for the above referenced conveyance from ASME A17.1, Section 5.2.1.16.5, providing that, with regard to a limited use, limited application unit, "The maximum rise shall not be more than 7.6 m (25 ft)."
3. The design-manufacturer of the limited use, limited application unit has certified that it is designed and manufactured to meet the requirements of ASME A17.1, Section 5.2 and meets the applicable safety factors with a travel up to 30 feet.
4. Greg Tipton, Chief Elevator Inspector, Arkansas Department of Labor, has reported to the Board and has recommended approval of the variance requested, allowing the maximum rise for this unit to be 29 feet.

¹ The petitioner initially submitted a variance request regarding a remodel on the existing conveyance, but subsequently amended the variance request and submitted an application and specifications for a new installation.

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 where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception for 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 compliance with ASME A17.1, Section 5.2.1.16.5, providing that “The maximum rise shall not be more than 7.6 m (25 ft),” would be an undue hardship because the petitioner is attempting to minimize the impact on the historical nature and features of the building and site.

3. The Board further concludes that, based on the facts presented in the opinion of the Board, reasonable safety will be assured.

THEREFORE, the Board grants Petitioner a variance from ASME A17.1, Section 5.2.1.16.5, and allowing the maximum rise for the conveyance to be increased to 29 feet.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: LSJr
Leon Jones, Jr., Chairman

Date: 7/21/16