

**BEFORE THE ELEVATOR SAFETY BOARD  
DEPARTMENT OF LABOR AND LICENSING  
STATE OF ARKANSAS**

**IN RE: GRUMPY RABBIT RESTAURANT, 105 FRONT STREET LONOKE,  
ARKANSAS**

**CONSENT ORDER**

This matter comes before the Elevator Safety Board on Thursday, July 16, 2020. The Petitioner seeks a variance with respect to the vertical platform lift used to transport disabled restaurant patrons to the second floor.

**FINDINGS OF FACT:**

1. The Petitioner is remodeling and renovating an existing building at 105 Front Street Lonoke, Arkansas to accommodate new business. As part of the modernization, the proposed vertical platform lift will be utilized to transport disabled patrons to the second floor of the restaurant.

2. The existing building has dimensions from the bottom landing to the top landing of 15 feet 3 inches (15'3"). The extant code section allows for a maximum of 14 feet (14') of conveyance travel. Complying with the code would leave a discrepancy of 15 inches (15").

3. Rebuilding of the upper landing or otherwise making special accommodations for the lift would present a physical and economic hardship to the owners of the building.

Complying with the provisions of code and the rules of this board consistent with ASME 18.1 code section 2.7.1 would create a significant hardship on the operation of the restaurant.

4. The Chief Elevator Inspector, Department of Labor and Licensing, recommends, and the petitioner agrees to the following conditions to ensure reasonable safety:

- a. Extra bracing included to accommodate the extra 15 inches of conveyance travel;
- b. Safety and precaution in installation; and
- c. The proposed plan will keep the elevator in code compliance with the grant of the variance, in the safest, operationally sound manner.

**CONCLUSIONS OF LAW:**

5. The Board has authority to adopt administrative rules establishing minimum standards for the installation, construction, maintenance and operation of elevators pursuant to Ark. Code Ann. § 20-24-106(c).

6. The Board has the power to grant a variance from minimum standards when it is clearly evident that: 1) it is necessary to prevent undue hardship or existing conditions prevent compliance with the literal requirement of the standards; and 2) in the opinion of the board, reasonable safety will be secured. Ark. Code Ann. § 20-24-106(d).


7. In the present case, the Board concludes that an undue hardship exists since literal compliance would require the rebuilding of the entire landing or some other accommodation of the lift which may impact the integrity of the building and would nevertheless be an expensive solution.

8. The Board also concludes that reasonable safety will be secured by the conditions placed upon granting the variance.

THEREFORE, the Board grants a variance to the Grumpy Rabbit Restaurant for authorization to install a vertical platform lift.

IT IS SO ORDERED.

**ELEVATOR SAFETY BOARD**

By:   
Ralph T. Hudson, Chairman

Date: 7/21/20

Approved:



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