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

IN RE: SPRINGDALE HIGH SCHOOL, 1103 W. EMMA, SPRINGDALE, ARKANSAS – VERTICAL PLATFORM LIFT

CONSENT ORDER

This matter comes before the Elevator Safety Board on Thursday, September 17, 2020. The Petitioner seeks a variance with respect to the installation of a vertical platform lift that will be placed in a shaft which falls short of the required 36" (thirty -six inch) opening width (as required by the accessibility code A117.1) by 1" (one inch).

FINDINGS OF FACT:

1. The Petitioner is replacing the existing Vertical Platform Lift (VPL AS 5073) that has been in operation since 1999 at the school on 1103 W. Emma Drive in Springdale, Arkansas. The twenty-one (21) year old VPL will be replaced and will utilize the same shaft way that encases the existing unit. The existing shaft way meets the code except that the entrance doors provide an opening of thirty-three (33) inches which falls three (3) inches short of the required thirty-six (36) inches width for a door being utilized on an accessible route.

2. The Petitioner has hired a construction company to widen the existing opening. However, due to the building structure limitations including the presence of a concrete supporting wall, the entrance doors can only be widened to a width of thirty-five (35) inches. The extant code section requires 36" (thirty-six inches) and this would leave a one inch (1" inch) deviation. Complying with the code would require reconstruction of a load bearing concrete wall.

3. Rebuilding of the wall or otherwise making special accommodations for the lift would present a physical and economic hardship to the owners of the school. Complying with the provisions of code and the rules of this board consistent with A 117.1 Section 402.2, 403.5 would create a significant hardship on the operation of the school.

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

a. Safety and accessibility of disabled passengers will not be compromised by the reduction of 1" inch of entrance width;

b. The Petitioner will observe and comply with all applicable Safety and protective requirements during 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 an entire load bearing concrete wall or some other

accommodation of the lift which may impact the integrity of the building and would nevertheless be a very 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 Springdale High School for authorization to install a vertical platform lift in the manner and at the location proposed.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD

By: _____
Ralph T. Hudson, Chairman

Date: 10/1/20

Approved:

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