

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

IN RE: POTTER BUILDING

ORDER

This matter came before the Elevator Safety Board on Thursday, September 15, 2022. The petitioner, Joshua Potter, seeks a variance from installing a noncombustible stairway from the top floor of the building to the roof where the access to the elevator machine room is located. Mr. Potter did not appear at the hearing on this matter, although he was provided notice as required by law.

FINDINGS OF FACT:

1. The petitioner is renovating an old building and the elevator is currently undergoing modernization.
2. In this building, the only location where a code compliant stairway to the roof could be installed is a room being used as office space, where a structural beam would have to be altered. Such an alteration would diminish the strength of the beam and possibly weaken that section of the building.
3. The report of the Chief Elevator Inspector, Greg Tipton, dated August 12, 2022, reflects that a stairway with an alternating step design (ship ladder) could be installed in lieu of a noncombustible stairway without disturbing the structure of the building and minimally affecting the office space.
4. The Chief Elevator Inspector recommends that the variance be granted subject to the following conditions:
 - a. Installing a stairway with an alternating step design (ship ladder); and
 - b. Provide railing on the roof of the building at the point where the stairway ceases at the roof of the building.

CONCLUSIONS OF LAW:

1. The board has authority to adopt administrative rules establishing minimum standards for the installation, construction, maintenance, and operations of elevators pursuant to Ark. Code Ann. § 20-24-106(c).
2. The board also has the power to grant a variance from minimum standards when it is clearly evident that it is necessary in order to prevent undue hardship or when the existing conditions prevent compliance with the literal requirements of the rules. In no case, shall a variance be granted unless in the opinion of the board, reasonable safety will be secured. Ark. Code Ann. § 20-24-106(d).
3. In the present case, installing a stairway with the alternating step design (ship ladder) prevents the undue hardship of potentially disrupting the structural integrity of the building if a code compliant stairway were constructed in the office space.
4. The board also concludes that reasonable safety will be secure by the conditions stated in the variance.

THEREFORE, the board grants a variance to Josh Potter and the Potter Building subject to the following conditions: 1) the stairway with an alternating step design (ship ladder) must be used; and 2) the installation of railing on the roof of the building at the point where the stairway ceases at the roof of the building.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD

By: 

Ralph T. Hudson, Chairman

Date: 9/21/22

Prepared by:

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