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REQUEST FOR VARIANCE  
State Form 51184 (R / 5-13)  
Food Protection Program

MAR 19 2015

INDIANA STATE DEPARTMENT OF HEALTH  
Telephone: 317/234-8569 FAX: 317/233-9200

FOOD PROTECTION PROGRAM  
INDIANA STATE DEPT OF HEALTH

**1. Individual Submitting Request:** Date: 3 / 17 / 2015

Name: Ben Hall Telephone: (260) 426-3411 Fax: (260) 424-2903

Mailing Address: 305 East Superior Street Email: ben@donhalls.com  
Number and Street

Fort Wayne Indiana 46802  
P.O. Box City State ZIP Code

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**2. Person/Organization Seeking Variance:**

Name: Hall Drive-Ins, Inc. d/b/a Nick's Boardwalk Email: ben@donhalls.com

Mailing Address: 216 US 930 West  
Number and Street

New Haven Indiana 46774  
P.O. Box City State ZIP Code

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**3. Food Establishment(s) for Which Variance is Sought**  
 Include the following information for each food establishment: *(List here or attach additional pages if necessary.)*

- Physical Location *(If different than mailing address):* 327 East Superior Street Fort Wayne, IN 46802
- Mailing Address: 305 East Superior Street Fort Wayne, IN 46802  
(Number, Street, City, State, and ZIP Code)
- Telephone Number: (260) 426-3411 Fax Number: (260) 424-2903
- Person at each retail food establishment most responsible for supervising: Ben Hall

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**4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:**  
*(Attach additional pages if necessary.)*

See Attachment A.

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**5. Explain how the potential public health hazards and/or nuisances will be alternatively addressed by the proposal. Include supporting studies, Hazard Analysis Critical Control Point (HACCP) Plan(s), standard sanitation operating procedures, and/or any other evidence:** *(Attach additional pages, if necessary.)*

See Attachment B

**6. List how the proposal demonstrates the following (if applicable to the request):**

A) How the proposal differs from what is common and usual in similar industry situations:  
See Attachment C

B) How the proposal is unique and not addressed in existing rules or law:  
See Attachment C

C) How the proposal does not diminish the protection of public health:  
See Attachment C

D) How the proposal is based on new scientific or technological principle(s):  
See Attachment C

E) How the implementation of the variance would be practical:  
See Attachment C

**7. Explain how the person/organization seeking the variance will assure that all provisions of a granted variance will be enacted at each food establishment for which a variance has been granted:**

The proposed variances from construction standards as outlined in 410 IAC 7-24-177, 410 IAC 7-24-239, 410 IAC 7-24-413 and 410 IAC 7-24-414 are currently in place and no changes to these structures are being proposed. Staff of The Allen County Department of Public Health, Food Protection Division have detailed knowledge of the structures as they exist, and no modification would be executed without proper input, guidance and authorization from that office.

Additionally, a checklist of periodic maintenance and sanitation tasks has been created (See Attached Exhibit 7) to further efforts to mitigate any marginal exposure that would be assumed as a result of the proposed variance. Responsibility for this checklist will be entrusted to a designated manager on duty and will be reviewed daily during the operating season.

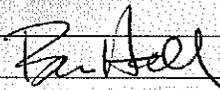
**8. List all affected parties known by the person/organization seeking a variance, including all affected regulatory authorities: (Attach additional pages if necessary.)**

Hall Drive-Ins, Inc. d/b/a Nick's Boardwalk  
Indiana State Department of Health  
Allen County Board of Public Health

**9. Attach copies of any related variances, waivers or opinions issued by other governmental agencies.**

**For Office Use Only**

**10. Signature of Individual Making Request:**



Printed Name, Title: Ben Hall, General Manager