



REQUEST FOR VARIANCE

State Form 51184 (R / 5-13)

Food Protection Program

INDIANA STATE DEPARTMENT OF HEALTH

Telephone: 317/234-8569

FAX: 317/233-9200

1. Individual Submitting Request:

Date: 11 / 12 / 2015

Name: William J. Lehn Director of Food & Beverage Telephone: (260) 482-6400 Fax: (260) 471-4678

Mailing Address: 1301 Ewing Street Email: lehn@tincaps.com

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

2. Person/Organization Seeking Variance:

Name: Hardball Capital DBA Fort Wayne TinCaps Email: lehn@tincaps.com

Mailing Address: 1301 Ewing Street

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

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):* N / A Same as above
- Mailing Address: _____
(Number, Street, City, State, and ZIP Code)
- Telephone Number: () _____ Fax Number: () _____
- Person at each retail food establishment most responsible for supervising: William J. Lehn

4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:

(Attach additional pages if necessary.)

Floor and wall finishes must be smooth, sealed, non-porous, non-absorbent and easily cleanable (Section 339, 402, 404)

Perimeter walls and roofs of a food establishment shall be constructed to effectively protect the establishment from weather and entry of insects, rodents and other animals. (Section 414)

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.)*

Seeking variance of code in similar case within state (Victory Field / Aramark)

- All equipment will be cleaned and sanitized before use.
- Floor tiles with flow through drainage washed after each use.
- Overhead cover during operation.
- Food prepared, held and transported from approved kitchen on - site.
- Food served / held above 160 degrees.
- Food held in approved hot holding and cold holding cabinets
- All food returned to kitchen after use.
- All equipment will be cleaned and sanitized after use.
- All equipment will be covered after use.
- Equipment to include portable hand washing station.

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:

Outside structure for private group area with outdoor equipment. Subject to contamination due to environmental conditions.

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

Does not include enclosed walls for outdoor group area. Concrete paver floor system will contain environmental drainage. Concrete paver system not smooth.

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

Additional cleaning / sanitizing of equipment prior to daily use. Food prepared in approved on-site kitchen. Food transported in approved holding units and served and maintained at proper temperatures. Temperatures monitored throughout each event. Post event cleaning of floors and paver system to be supervised by on-site cleaning manager.

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

Additional non-use covers and pre-use cleaning / sanitization regimen.

E) How the implementation of the variance would be practical:

Outdoor stadium picnic area on existing building - rooftop party deck. Equipment will be cleaned, sanitized and prepared daily for use in the same manner that any kitchen is cleaned and sanitized.

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:

- List of start up / close down procedures established.
- Pre-use cleaning / sanitizing of all equipment.
- Post use cleaning / sanitizing / covering of all equipment.
- Product produced in approved kitchen.
- Product transported, held and served in approved equipment.
- Product returned to approved kitchen - no product stored in area after each event.
- On-site Serv-Safe agent to inspect area daily for use.

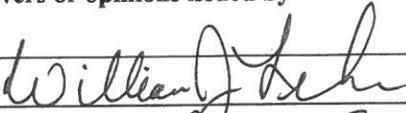
8. List all affected parties known by the person/organization seeking a variance, including all affected regulatory authorities: (Attach additional pages if necessary.)

Fort Wayne - Allen County Department of Health - Steve Schumm, REHS, CFSP
Fort Wayne - Allen County Department of Health - Matt Rosburgh, Inspector
Design Collaborative - Kelly James Shields
Weigand Construction - Cody Michaud

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: William J. Letz Director Food & Bev