

**BOARD OF APPEALS HEARING
AGENDA
May 22, 2026
6:00 p.m.
Town Hall
104 N. King St.**

**Appeal By:
Blue Moon Cafe
200 East High Street**

1. The hearing is called to order. We request all present for this hearing to sign in. Please indicate place of residence (street address, etc.) and interest.
2. The chair will note, for the record, members of the Board present and establish that a quorum is present. Members who have not been previously sworn in will be sworn in.
3. The Board will establish the standing of the appellant for the record.
4. Members of the audience who wish to testify are sworn in and interest in the matter is established for the record.
5. CONFLICT OF INTEREST: The chair will inquire, for the record, whether any board member has a conflict of interest in any of the matters before it.
6. THE NOTICE OF PUBLIC HEARING will be read into the record.
7. The appeal by Blue Moon Cafe, regarding the Planning Commission's decision of April 20, 2026, as provided in the Notice of Decisions dated April 21, 2026, regarding 200 East High Street. The chair will note, for the record, whether the bond has been paid.
8. The chair will note for the record, whether the board members have visited the site.
9. GROUND RULES:
 - A. *The Board of Appeal's rules are standardized by Robert's Rules of Order.*
 - B. *The Appeals Board is guided by Title 9, Chapters 1-12 of the Town Code—the Zoning Ordinance – and the requirements and standard of Title 9 are the*

requirements and standards we abide by in making decisions. Most importantly, we are guided by Chapter 10, Section 9-1009.

- C. The Chair will monitor the recording device.*
- D. The Board of Appeals may set time limits, as it deems necessary, for the applicant’s responses, the responses of bona fide groups and of individuals.*
- E. The Board of Appeals will question applicants on proposed use, proposed additions, proposed building or structures, or proposed subdivisions.*
- F. The Board of Appeals will determine if and for what sections of the Zoning Ordinance a waiver is required.*
- G. Each person recognized by the chair will approach the table; give his or her name and street address, be sworn in if not previously sworn in, and present questions, comments, or petitions loudly enough to be picked up by the recording device.*
- H. Actions, votes, findings of facts and conclusions of law shall not become final rulings until the minutes and/or the Decision and Order of the public hearing, or of the subsequent continued public hearing (s), are approved at a continued or adjourned meeting, called for the purpose of approving these documents by the Board of Appeals.*

10. PRESENTATION OF EVIDENCE AND ARGUMENT

- A. The appellant presents evidence and arguments regarding the variance request from Section 9-207 “Off-street parking requirements” of the Shepherdstown Planning and Zoning Ordinances and how Section 9-1008 and Section 9-1009 (attached) are met. All ordinances are included in packet.
- B. Interested parties present questions regarding the applicant’s evidence and argument.
- C. The appellant responds.
- D. The Board questions the appellant.
- E. Interested parties present evidence and argument.
- F. The appellant presents questions regarding the interested parties’ evidence and argument.
- G. The interested parties respond.
- H. The Board questions the interested parties.

11. Deliberations, Board of Appeals Members

- A. MOTION to close the public hearing SECOND VOTE
- B. MOTION to deliberate in closed session SECOND VOTE

Section 9-1008 Variances

(a) Where by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property when zoning was adopted in Shepherdstown or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, the literal enforcement of the requirements of this ordinance would involve practical difficulty or would cause unnecessary hardship to carry out the spirit and purpose of this ordinance, the Board shall have power, upon appeal in specific cases, to authorize a variance from the terms of this ordinance so as to relieve such hardship, and so that the spirit and purpose of this title shall be observed and justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest. In authorizing a variance, with attached conditions, the Board may require such guarantee as it may deem necessary that the conditions attached are being and will be complied with.

(b) No such variance in the provisions or requirements of this ordinance shall be authorized by the Board unless it finds, beyond reasonable doubt, that all the following facts and conditions exist:

(1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district.

(2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.

(3) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this title or the public interest.

(4) That the condition or situation of the specific piece of property or the intended use of such property, for which variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.

Section 9-1009 Limitations, guides, and standards (Amended 02/11/14)

Where, in this title, certain powers are conferred upon the Board it shall study the specific property involved and the neighborhood, cause the property to be posted in a conspicuous place, hold a public hearing, consider all testimony and data submitted, and hear any person for or against the issuance of the permit. However, the application shall not be approved where the Board finds the proposal

adversely affect the public health, safety, security, morals or general welfare or would result in dangerous traffic conditions or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall give consideration, among other things, to the following:

- (a) Decisions of the Circuit Court and the Supreme Court of Appeals.
- (b) The orderly growth of the neighborhood and community.
- (c) The most appropriate use of land and structure.
- (d) Facilities for sewers, water, trash and garbage collection and disposal and the ability of the Town or County to supply such services.
- (e) Availability of firefighting equipment.
- (f) The effect of such use upon the peace of people in their homes.
- (g) The number of people residing, working or studying in the immediate area.
- (h) The type and kind of structures in the vicinity where people are apt to gather in large numbers such as schools, churches, theatres, hospitals and the like.
- (i) Traffic conditions, including facilities for pedestrians, such as sidewalks and safety zones and parking facilities available and the access of cars off highways.
- (j) The preservation of cultural and historic landmarks.
- (k) The conservation of property values.
- (l) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the uses of surrounding properties.
- (m) The contribution, if any, such proposed use, building or addition would make toward the deterioration of areas and neighborhoods.
- (n) Any findings and recommendations of the Historic Landmark Commission.

Section 9-207 Off-street parking requirements

Parking space or spaces surfaced with asphalt, concrete or other stabilized material such as crusher-run and three (3) inches of stone shall be provided on any lot on which any of the following uses are hereafter established. Each space shall have access to a street or alley. For purposes of computing, each space will be not less than nine (9) feet wide nor twenty (20) feet long.

I. Minimum requirements for specific uses:

- (a) For dwellings, one (1) space on the lot for each living unit in the building. For lodging houses, one (1) space on the lot for each lodging unit in the dwelling.
- (b) For churches erected on new sites, one parking space on the lot for each ten (10) seats in the main auditorium, but existing churches and additions to or enlargements of churches existing at the time of passage of this title shall be exempt from this requirement.
- (c) For places of public assembly, including auditoriums and theatres, one space for each seven (7) seats provided .
- (d) For all schools, except high schools, two (2) spaces for each classroom; for high schools ten (10) spaces for each classroom.
- (e) For institutions, clubs, lodges and other public and semi-public buildings, five (5) spaces for each one thousand (1,000) square feet of floor area.
- (f) For commercial and residential uses located on the same lot in the Residential Commercial District, one space for each dwelling unit and one space for each two hundred (200) square feet of commercial floor area, with a minimum of two (2) spaces required.
- (g) For commercial uses, except as specified in Section 9-207 I (f), one (1) space for each three hundred (300) square feet of floor area and one (1) space for each two (2) employees.

II. General rules and exceptions:

- (a) In the RC and C Districts, parking space may be provided on a separate lot if within three hundred (300) feet of the building served, and two (2) or more owners may join together in the provision of this parking space.
- (b) No parking space may be located in a front yard. This does not

prohibit parking in a driveway.

- (c) Parking spaces may be provided in side and rear yards in the Commercial District but are limited to rear yards in Residential Districts.
- (d) Parking space for any use specifically permitted in an R District may be provided on a lot adjoining that use.
- (e) Existing buildings not complying with off-street parking requirements may be remodeled, repaired or structurally altered, but any enlargement must provide the required parking spaces for said enlargement.

LEGAL NOTICE

Shepherdstown Board of Appeals

Please take notice that the Shepherdstown Board of Appeals will hold a public hearing on Friday, May 22, 2026, at 6:00 p.m. at Town Hall, 104 North King Street, Shepherdstown, West Virginia, to consider an appeal submitted by Blue Moon Café, located at 200 East High Street.

The appeal seeks a variance from Section 9-207, Off-Street Parking Requirements, to allow the construction of a seasonal pergola-covered outdoor seating area located on a portion of the parking lot.

The complete file can be viewed at Town Hall and on our website www.shepherdstown.gov.

Amy L. Boyd, Town Clerk
Corporation of Shepherdstown

Note from Property Owner

Shepherdstown Board of Appeals

From: Blue Moon Cafe <bluemooncafe@citlink.net>
Sent: Sunday, May 3, 2026 8:24 AM
To: Amy Boyd <clerk@shepherdstown.us>
Subject: May 22 meeting

Good morning,

If I am unable to attend I give my permission for my GM and her husband (Tabitha and Joseph Dolan) to speak on my behalf.

Thank you,

Gregory King



Board of Appeals Hearing Request

104 N King St

PO Box 248 (for mailing)

Shepherdstown, WV 25443

Application # 26-09

To be completed by applicant or their legal agent. Town staff and Board of Appeals members cannot give advice on the substance of your appeal. Only aggrieved persons may file an appeal. [Please reference Title 9, Section 1006.](#)

Property address for which appeal is being made: 200 E. High St Shepherdstown WV

Applicant's name: Tabitha Dolan (Blue Moon Cafe)

Mailing address: PO Box 135
Shepherdstown WV 25443
City State Zip

Telephone: 304-676-9158 Email: bluemooncafe@citlink.net

Owner's name: Gregory King
(if not the Applicant)

Mailing address: PO Box 135
Shepherdstown WV 25443
City State Zip

Telephone: 304-283-0525 Email: bluemooncafe@citlink.net
(if not the Applicant)

State your request with specifics:

Type of appeal:
(Please indicate)

- Variance
- Continuation of non-conforming use
- Special Exception
- Decision of Planning Commission

Aggrieved person status:
(Please indicate)

- A person who has been denied by the Planning Commission in whole or in part, the relief sought in any application or appeal
- A person who will suffer peculiar injury, prejudice or inconvenience beyond that which other residents of the municipality may suffer



Date: 4/21/2006

Signature: [Signature]
(Applicant)

Print Name: Tabitha Dolan

Date: 4/21/2006

Signature: [Signature]
(Owner)

Print Name: Gregory J. King



Board of Appeals Hearing Request

104 N King St
PO Box 248 (for mailing)
Shepherdstown, WV 25443

Application # _____

Definitions

Variance

The Planning Commission correctly applied the ordinance requirements to your request; however, you request a variance from the requirements of the ordinances.

Special Exception

The Planning Commission correctly applied the ordinance requirements to your request; however, the ordinance allows for a special exception in R-1 and R-2 districts. They are listed in Section 9-505 of the Planning and Zoning Ordinance.

Continuation of non-conforming use

Any lawful use of land or structures existing at the time of the adoption of Planning and Zoning Ordinance or subsequent amendment to the ordinances may be continued with limitations.

Appeal of decision of the Planning Commission

You disagree with the Planning Commission's decision. You feel the Planning Commission erred in applying the ordinance to your requests.

For Office Use:

Zoning Officer Comments:

Bond Paid \$100.00
Date Paid 4/24/26



NOTICE OF DECISION

Date: April 21, 2026

Re: Application for Project Permit No. 26-09

Tabitha Dolan and Gregory King for Blue Moon Cafe
PO Box 135
Shepherdstown, WV 25443

Tabitha Dolan and Gregory King,

Please be advised the Shepherdstown Planning Commission meeting in regular session on Monday April 20, 2026, voted to deny your request for a project permit to construct a pergola and outdoor seating area at 200 East High Street in Shepherdstown, WV. The Commission based its decision upon the following:

FINDING OF FACTS:

1. The application dated March 26, 2026, was complete, filed in a timely manner and all fees were paid,
2. The application requested approval to construct a seasonal pergola covered outdoor seating area located on a portion of the parking lot of the Blue Moon Café located at 200 East High Street in Shepherdstown WV.
3. Pursuant to Title 9, §9-207 Off-street parking requirements the required minimum off street parking for commercial uses is one space for each 300 square feet of floor area and one space for every two employees.
4. *At its regular meeting of April 2, 2026, the Planning Commission reviewed the application, referred to §9-207 of the Title 9 Planning and Zoning Ordinance and voted unanimously to deny the application based on a failure to comply with the off-street parking requirement.*

Please be advised that in accordance with Title 9, §9-508, you have the right to appeal this determination with the Board of Zoning Appeals.

Should you have any questions regarding this decision, please feel free to call the Corporation of Shepherdstown at 304-702-2305 or contact me directly at kmusser@shepherdstown.us.

Respectfully,

A handwritten signature in black ink, appearing to read "Karl Musser", written over a horizontal line.

Karl Musser
Planning and Zoning Specialist
Corporation of Shepherdstown

SHEPHERDSTOWN PLANNING COMMISSION EXECUTIVE SUMMARY

REGULAR MEETING AND PUBLIC HEARING

Monday, April 20, 2026

6:00 p.m. TOWN HALL

104 NORTH KING STREET, SHEPHERDSTOWN

Public Comment

Public Comment was heard from Steve Pearson regarding the PUD ordinance update.

Applications

26-09 200 E. High Street Blue Moon Café: Project Permit Application – Installation of temporary/seasonal pergola covered outdoor seating area located in a portion of the existing parking area.

Application denied due to not meeting the off-street parking requirements of Title 9 Section 207.

Continuing Business

The Commission received updates on permitting procedures and recruitment efforts and Town Council activities regarding the path Morgan's Grove Park and the Market Building Plaza demonstration project. The commission reviewed and discussed a draft of the proposed PUD ordinance update.

Resolutions

The Commission moved to recommend to Town Council the adoption of the repeal and replace of the PUD ordinance, with the recommendation to objectively define affordable units in the review criteria, and to thoroughly consider other edits and suggestions from the Planning Commission and today's public comment. Motion passed unanimously.

SHEPHERDSTOWN PLANNING COMMISSION MINUTES

REGULAR MEETING AND PUBLIC HEARING

Monday, April 20, 2026

6:00 p.m.

TOWN HALL

104 NORTH KING STREET, SHEPHERDSTOWN

DRAFT

1. Call to Order:

Time: 6:00 pm

Commissioners Present: R. Parmesano, L. Bicker, L. Chapalee, J. Gatz, E. Helmick

Commissioners Absent: M. Morningstar

Staff: K. Musser, G. Sisco, H. Wetzel

2. Approval of Previous Months' Minutes:

a. February 16, 2026, Meeting

Motion to approve: E. Helmick, 2nd L. Bicker, all ayes

3. Visitors:

S. Pearson, H. Pearson, J. Auxer, T. Dolan, J. Dolan, C. Printz

4. Conflicts of Interest:

None

5. Public Comment:

S. Pearson (131 W. German St.) offered public comment on the proposed PUD ordinance: cases where a parcel has significant unbuildable land, that land should not count towards the open space requirement and concerned there is no mention of historic resources such as artifacts or potential archaeological studies and suggested such studies be restricted to the portion of the site that is being disturbed, citing State Historic Preservation Guidelines. Also mentioned that the timing on when traffic and stormwater analysis is required should be made clearer.

6. Applications:

a. **26-09 200 East High Street Blue Moon Cafe**

Project Permit Application – Installation of a seasonal pergola covered 392 sq. ft. outdoor seating area in a portion of the parking lot.

J. Dolan gives a summary of the project. Confirms that it would occupy 2 of their 8 parking spaces. Confirms that it would not block the sidewalk. Confirms that it will not be permanent, structures will not be attached to the existing building or the ground.

Discussion of off-street parking requirements which are based on floor area square

footage and number of employees and the applicant does not appear to meet that requirement. Existing situation would be grandfathered in, but the proposed change would not. Discussion of the general area parking situation including mentions that the Café's employees do not use the Café's off-street parking area and that the Shepherd University lot across the street is available during the Café's busiest times, but that nearby parking does not count towards the ordinance requirement.

Commission is supportive of the project but concludes that it does not meet the parking requirements of Title 9 Section 207.

Motion to deny: L. Chapalee, 2nd E. Helmick, all ayes – application denied.

7. Continuing Business:

Application Process: K. Musser shared an update of the application process outline. The Commission advised adding a schedule of fees. J. Gatz advised that HLC going through similar process and had a flow chart illustrating the process. The Commission asked about reducing the number of forms. Discussion of enforcement.

Recruiting New Members: L. Bicker shared an update of recent advertising by the Town. No new applications have been received. Discussion of how many members there needs to be.

Town Council Update: L. Bicker shared updates on the path to Morgan's Grove Park, the Young-Shipleigh annexation, the proposed Market square plaza pilot project, and HLC's historical markers.

PUD Ordinance Revision Update: C. Printz gives an update status summary and discusses the Planning Commission's role. Clarifies that final wording will be up to the Town Council and that the Commission's comments on the draft will be delivered to the consultant drafting the revision. Recommends that the Commission approve moving the draft forward to the Town Council along with its comments.

Following discussion included balancing flexibility with preservation goals, emphasizing the importance of regulations being consistent with HLC expectations, including historic preservation considerations, and the importance of coordination between the Planning Commission and HLC.

The discussion also touched on ensuring the ordinance provides both flexibility and clarity for applicants, avoiding overly rigid requirements that may not reflect real-world conditions, and improving coordination between governing bodies involved in development review

L. Bicker expressed concerns that the draft felt unfinished and further discussion followed on the editing process. L. Chapalee discussed wanting to highlight the lack of definition for affordable housing which would make that criteria difficult to apply.

Motion to recommend to Town Council the adoption of the repeal and replacement ordinance with the recommendation to objectively define affordable units in the review criteria and to thoroughly consider other edits and suggestions from the Planning Commission and today's public comment: L. Chapalee, 2nd R. Parmesano, all ayes – motion passed.

Discussion of the executive summary and taking of minutes.

8. New Business:

None

9. Adjournment:

Motion to adjourn: R. Parmesano, 2nd E. Helmick, all ayes

Time: 7:22 pm

SHEPHERDSTOWN HISTORIC LANDMARKS COMMISSION

Monday, April 7, 2026

6:00 p.m.,

TOWN HALL

104 NORTH KING STREET

In attendance: Commissioner Chair Keith Alexander (KA), Tom Mayes (TM), Ashley Reynolds (AR), Rebecca Bicker (RB), Cheryl Brown (CB), Jim King (JK)

In absentia: None noted.

In audience: Karl Musser (KM), Bruce Massey (BM), Jerry Bock (JB), Jim Auxer (JA), Joseph Dolan (JD), Tabitha Dolan (TD).

1. **Call to Order:** KA called the meeting to order at 6:00 p.m., made introductions of commissioners and support staff, and explained Roberts Rules Simplified.
2. **Approval of Minutes:** No changes noted, minutes approved as submitted.
4. **Visitors:** Bruce Massey (BM), Jerry Bock (JB), Jim Auxer (JA), Joseph Dolan (JD), Tabitha Dolan (TD).
5. **Conflicts of Interest:** None noted.
5. **Applications**

26-07-101 N. Browns Alley

Installation of wooden storage shed on a pre-existing concrete pad.

- Homeowner not present. Discussion tabled.

26-08-314 W. German Street

Replacement of porch railing and the addition of stairs to side yard.

- Homeowner not present. Discussion tabled.

26-09-200 E. High Street Blue Moon Café

Installation of temporary/seasonal pergola covered outdoor seating area located in a portion of the existing parking area. Blue Moon representatives, JD and TD, discussed plan.

- KA asked if planned pergolas are temporary and wood. JD confirmed. TM asked if the pergola would be just as shown in provided photograph, and if it would be made of cedar. JD confirmed. TM asked for exact location of pergola. JD said that it would be beside glass room, toward parking lot. KA described spot as in between the projecting bay and the garden entrance. JD confirmed this. KA noted that planned pergola is consistent

with existing pergola and surroundings. KA asked if there is planned fencing. JD confirmed, saying they planned to use 6x6 wooden planks, 4 or 5 feet tall, attached to sides of pergola to add stability. AR asked if the height would be close to the roof line. JD said the planned height was level with or just under eaves. KA said the HLC would prefer that neither fencing nor pergola was attached to building. JD agreed. RB asked if this would interfere with existing. TM noted that the HLC does not have purview over parking. KA agreed. TM moved to approve the application in accordance with Guidelines on PG 67 “Yard Features,” Section C, with the recommendation that the applicant goes before the Planning Commission for further approval. AR seconded. All in favor. None opposed. Passed.

6. **Workshop Sessions:** None.

7. **Ongoing Business**

- **Update on Mills Group materials:** KA updated commission on final stages of Mills Group materials and the incorporation of commission feedback, said that the next step was for the Town to purchase QR codes to insert in brochures. KA noted that Clare Tryon/SHPO needed to review and approve these materials. Said that upon SHPO approval, not before, should the Town pay the invoice.
- **Historical Markers Program:** JB from Historic Shepherdstown reviewed previous discussions for a historic markers program, changes to expected timelines, applications, costs/funding, Entler museum collections, and potential business and university collaborations for marker designs. JB asked if the HLC would help verify accuracy of marker information. AR added that Jennifer Yablonsky, art professor, was the potential Shepherd University resource. CB asked if historic properties outside of Shepherdstown boundaries would be eligible for the program. JB said he would like for that to be the case, but to start with properties inside the boundaries of the historic district. JA supported the idea of allowing outside properties to apply, to encourage individual protection of properties. KA said that Mayor Gatz invited him to the Town Council meeting the coming Wednesday, to present on HLC-related projects, including the CLG recertification, market house, and historic markers program. KA asked if JB or BM could join that meeting or provide a summary of the plan—noted that Mayor Gatz said the Town Council should have final authorization of the markers program. JB agreed. CB asked if the plaques would have standard information, such as “Historic Home,” rather than individualized information on each home. JB said that they were considering that approach, with the option of reaching out to Historic Shepherdstown for more detailed information.

8. **New Business**

- Substitute siding materials: AR reviewed relevant points from *Preservation Brief #16*, on inability to source contractors willing to work with certain materials. Expressed that old growth cedar was not widely available and that new growth cedar was not compatible. Proposed that the commission consider an alternate material to approve for future applications. TM noted that most buildings in town are pine, not cedar, but that the same concerns apply. JK asked if the concern was replacing cedar with cedar. AR said that contractors discouraged working with HLC preferred woods, rather than newer composite material. JA asked if Shepherdstown's Guidelines discusses this issue. KA said it did not, outside of Hardie Board for the PG 37 "Exterior Walls," and 56, "New Construction of Outbuildings," which do not reflect evolving SHPO and HLC attitudes on Hardie Board or similar alternatives. TM added that the changes to buildings over time, including visible repairs, add to the historic character of the town. JK added that commissioners and residents should take advantage of architectural salvage, as much as possible. KA asked the commission to consider how to proceed. CB asked if AR would research costs for pine replacement and repair, as the dominant wood in the historic district. AR agreed.

9. **Adjournment:** TM moved to adjourn at 6:45 p.m. All in favor. None opposed. Passed.

Corporation of Shepherdstown

Staff Input Form

For the Historic Landmarks and Planning Commissions

1. Applicant Name and Number: 26-09
2. Project Address: 200 East High Street Blue Moon Café
3. Project Description: Installation of temporary/seasonal pergola (wood, cedar) covered 392 sq. ft. outdoor seating area in a portion of the existing parking area. It would include a low (3 ft) fence to define the area. Pergola and fencing would be removable.
4. Issues Identified: Removal of parking spaces
5. Recommended Action: Staff recommends denial based on the reduction of parking in the applicant's proposal.
6. HLC Decision: Tom Mayes noted that the HLC does not have purview over parking. Tom Mayes moved to approve the application in accordance with Guidelines on PG 67 "Yard Features," Section C, with the recommendation that the applicant goes before the Planning Commission for further approval. All in favor. None opposed. Passed.
7. Staff Analysis: Property is a commercial use within the R-1 Residential zone and is located within the historic district. The proposed pergola would cover a temporary outdoor seating area taking up 2 of the existing parking spaces in front of the cafe. The blocking of parking spaces appears to violate Section 9-207 which requires commercial uses to provide the following off-street parking: "one (1) space for each three hundred (300) square feet of floor area and one (1) space for each two (2) employees." Currently there are 8 parking spaces provided, of which 6 would remain while the pergola was in place. Section 09-207 also provides that "Existing buildings not complying with off-street parking requirements may be remodeled, repaired or structurally altered, but any enlargement must provide the required parking spaces for said enlargement." That Section would require the proposed expansion of the customer area to provide an additional parking space, not remove any. The proposed structure meets the same setbacks as the existing building. The structure would add 392 sq. ft. to the existing 2,615 sq ft. of structures on the parcel, and since the proposed location is already paved it would not impact the percentage of the parcel that is green space, meeting Section 9-508 setback and green space requirements. The fencing is below 4 ft., meeting Section 9-803 fence requirements.

7. To Be Reviewed By Historic Landmarks Commission

Planning Commission

Completed By: Karl Musser

Date: 4/15/2026

Approved By: _____

Date: _____



Application Number 26-09

Application for Certificate of Appropriateness & Project Permit

Corporation of Shepherdstown, West Virginia

104 N. King St. P.O. Box 248 (for mailing)
Shepherdstown, WV 25443

This application combines the Certificate of Appropriateness and Project Permit applications and is required for projects within the corporate limits of Shepherdstown and the Shepherdstown Historic District ([map](#)), that involve modifications to structural square footage. Examples include decks, porches, driveways, carports, accessory structures, and new construction of and/or additions. A review of the application shall be approved or rejected by the Historic Landmarks Commission (HLC) (Reference Title 9, Section-309) and once a Certificate of Appropriateness is approved it will be forwarded to the Planning Commission for their review for the issuance of a Project Permit (Reference Title 9, Section-902). If approved, the Project Permit is valid for one year from the date of issuance.

PLEASE PRINT OR TYPE CLEARLY

Applicant's Name: Gregory King
(Must be Property Owner)

Mailing Address: PO Box 135
Shepherdstown, WV 25443

Day Time Telephone Number: 304-876-1920 or 304-676-9658 ^(Gm) _(Tabitha Dean)

E-Mail Address: bluemooncafe@citlink.net

Street Address of Proposed Work: 200 E. High St Shepherdstown, WV 25443

Lot Number/Legal Description: Blue moon Cafe
(If no address exists)

Current Zoning: _____ **Current Land Use:** _____
Note: See [zoning map](#) for correct zoning classification

Description of Work: Installing 2 pergolas to have outdoor seating, also having curbing around pergola structures along with plants + flowers. Everything is temporary not in permanent structure.

Please reference [Title 9](#) of Town Ordinance for specifics.
Please contact Karl Musser, Planning & Zoning, with any questions.
(304) 702-2305 • kmusser@shepherdstown.us



Application Number 20-09

Category IV Demolitions or Relocation of a Structure

- Historic designation of structures to be demolished (documents available in Town Hall)
- Complete description of structure(s) or part(s) of structure(s) to be demolished.
- At least one (1) structural report by a certified structural engineer. Applies to demolition requests for structures fifty (50) years or older.
- For relocations, sidewalk and handicap access

Remedies and penalties

The owner or agent of a building or premises in or upon which a violation of any provision of the Planning and Zoning Title has been committed or shall exist, or the leasee or tenant of an entire building or entire premise in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred (100) dollars. Each and every day that such violation continues may constitute a separate offense. (Reference Title 9, Section-905)

Please read the following paragraph carefully and sign.

Attach documents specified in the checklist of this application. I hereby certify that all information herein provided is true and accurate. I hereby authorize the inspection of the above premises by authorized agents of the Shepherdstown Planning Commission at any reasonable time in order to determine compliance with the Commission's approval. I understand that my presence at the assigned application review meeting is required. Application must be signed by owner or his/her agent.

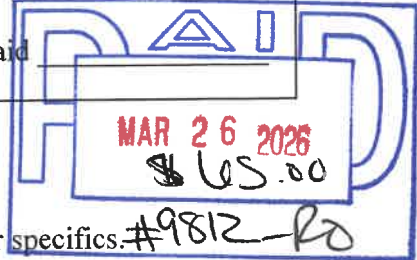
Date: MARCH 26 2026

Owner's Signature: Gregory J. King

Print Name: GREGORY J. KING

Zoning Officer Comments:

Fee Paid _____
Date Paid _____



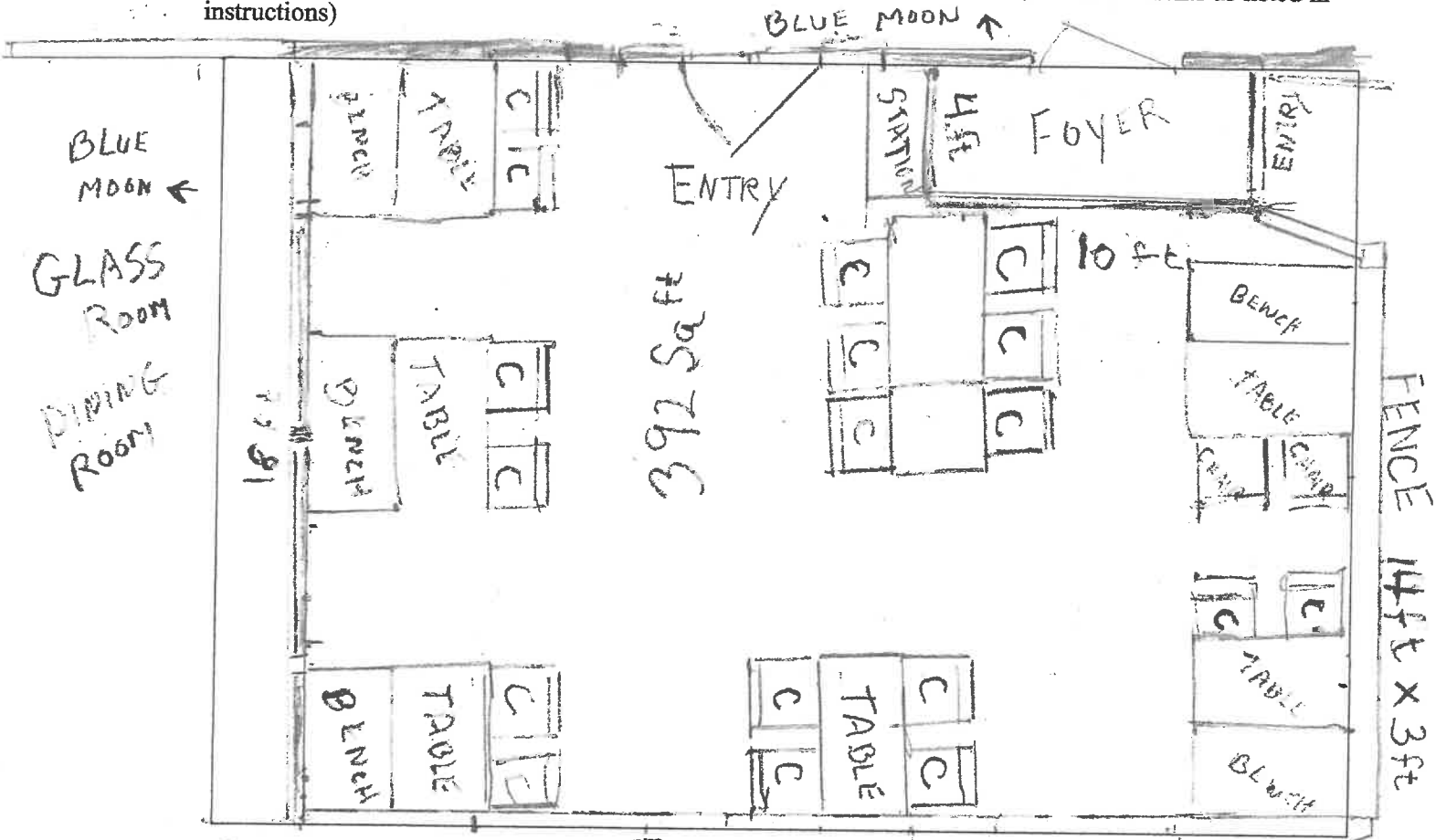
Please reference [Title 9](#) of Town Ordinance for specifics. #9812-RO
Please contact Karl Musser, Planning & Zoning, with any questions.
(304) 702-2305 • kmusser@shepherdstown.us

- (5) Provide a menu or description of the freshly prepared food items to be served in the outdoor dining or street dining area. Please include the menu in paper format.
- (6) Provide proof of authorization from municipal government or county commission. Please attach this documentation with this form for approval. Must list the beginning and ending dates.

Must illustrate the exact area and measurements of the dining area for the "Private Outdoor dining/Private Outdoor street dining" in relation to the currently licensed establishment. The area must be in "close proximity" (within 300 feet) and a bound area, such as a parking lot or other outdoor area, which shall, for the temporary period, encompass the licensee's licensed premises. Licensee must have a clear line of sight from the licensed premises to any outdoor dining or outdoor street dining area.

Keep one copy at the licensed premises.
(instructions)

(Provide Dimensions and all Measurements as listed in instructions)



Gregory King (print) have received and read the requirements and attest to the fact that all preceding information is true and accurate and that all individuals and/or controlling members listed on the license are aware of the submission of an Outdoor Dining Area/Outdoor Street Dining area license application.

Licensee's Signature: Gregory J. King
Title: owner

Date: March 26, 2026

Current picture



