

# City of Goldsboro Board of Adjustment/Planning Commission Agenda for August 11, 2025

## The Commission

William Rose Jr. - Chairperson

Ronald Waters – Vice Chairperson - Wayne County & ETJ Representative

Duke Cox

Kevin Brown

Viola Figureoa

Glenn Barwick

Shirley Edwards - Wayne County & ETJ Representative

## The Staff

Mark E. Helmer, AICP, CFM, Planning Services Manager

Kenny Talton, MPA, Assistant Planning Services Manager

Roy Publico, Senior Planner

Paul Saylor, Planner I

Holly Jones, MPA, CMC, NCCMC, Planning Executive Assistant



**AGENDA PLANNING COMMISSION  
MONDAY, AUGUST 11, 2025 at 6:00 P.M.**

**The Planning Commission / Board of Adjustment will hold their meeting on Monday, August 11, 2025 at 6:00 p.m. in the Large Conference room, 200 N. Center St, in the City Hall Annex.**

I. **Minutes** – April 28, 2025

II. **Board of Adjustment:**

a. **Appeal**

**BOA-02-25 Elvis Perez:** The applicant is seeking an appeal to an administrative decision, to order the cease and desist of operations of an unpermitted place of entertainment, at property located at 2205B East Ash Street. The property is further identified as NCPIN# 3509-93-4592.

III. **Planning Commission Items:**

There are no Planning Commission items to be heard.

IV. **Adjournment**



MINUTES OF THE MEETING OF THE  
GOLDSBORO PLANNING COMMISSION/BOARD OF ADJUSTMENT  
April 28, 2025

The Planning Commission/Board of Adjustment of the City of Goldsboro, North Carolina, met in Regular Session in the Large Conference Room, City Hall Addition, 200 North Center Street, at 6:00 p.m. on April 28, 2025.

Present: Mr. William Rose, Presiding  
Ms. Viola Figueroa  
Ms. Shirley Edwards  
Mr. Kevin Brown  
Mr. Duke Cox (arrived at 6:06 PM)  
Mr. Glen Barwick

Also Present: Kenny Talton, Assistant Planning Director  
Holly Jones, Planning Executive Assistant

Absent: Mr. Ronald Waters

Mr. Rose began the meeting at 6:00 p.m.

**Adoption of the Agenda**

Ms. Edwards made a motion to adopt the agenda. The motion was seconded by Mr. Brown and unanimously carried.

**Annual Election of New Chair and Vice-Chair**

Ms. Edwards made a motion to reappoint Mr. Rose as the Planning Commission Chair. The motion was seconded by Mr. Brown and unanimously carried.

Mr. Rose made a motion to appoint Ms. Edwards as the Planning Commission Vice-Chair. The motion was seconded by Ms. Figueroa and unanimously carried.

Holly Jones, Planning Executive Assistant, administered the Vice-Chair oath of office to Ms. Edwards.

**Approval of Minutes**

Mr. Brown made a motion to approve the Minutes of the Regular Meeting of March 31, 2025. The motion was seconded by Ms. Figueroa and unanimously carried.

**Rezoning**

**CZ-02-25 NORTHWEST ASSOCIATES, LLC (Residential-9 to General Business Conditional Zoning District) – Located on Denton Place, approximately 400 feet southwest of its intersection with East Ash Street.** Kenny Talton, Assistant Planning Director, presented the item.

ADDRESS: Denton Place  
PARCEL: 3519-12-0156  
OWNER: Northwest Associates, LLC  
APPLICANT: Northwest Associates, LLC c/o R. Michael Woodard

The applicant is requesting a rezoning classification from a Residential-9 (R-9) Zoning District to a General Business Conditional (GB-CZ) zoning district for the construction of a 3,000-square-foot mini-warehouse to be used by the applicant to store personal items. The purpose of the General Business (GB) Zoning District is to accommodate the widest range of uses by providing general goods and services to the community. The district is intended to promote high-quality, accessible developments serving the needs of the community and surrounding area. There is no minimum lot size. Mini-warehousing is a permitted use by right within what will be the underlying General Business zoning district.

The property considered for rezoning is an existing 20,590 square feet in size with approximately 216 feet of lot frontage on an existing 13' wide private access easement. The proposed 3,000-square-foot

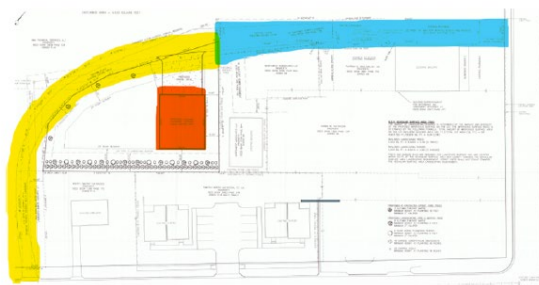
building will meet or exceed the setback of the General Business zoning district and will be setback 35.93-feet from the front property line, 25-feet from the rear property line and 15-feet from the side property line.

**SURROUNDING ZONING:**

Adjacent Zoning and Land Uses		
North	R9/GB	Single/two-family/Repair garage
South	R9	Vacant/multi-family
East	R16	Vacant/multi-family
West	R9	Vacant/two-family

The property is identified as within the Mixed-Use I land use category. This category will allow a mixture of uses and have minimum impact on adjacent areas. The General Business Zoning District is not a corresponding zoning district in the Mixed-Use I land use designation.

The site is currently vacant and is served by an existing 12 ft. wide access easement. The access easement (highlighted yellow) consists of a gravel drive extending northward from Glenwood Trail to a northeasterly terminus approximately 390 ft. The access easement connects to another access easement (highlighted in blue) 25 ft. in width and extends 312 ft. northeast to East Ash Street.



Street trees have been provided along the easement known as Denton Place. A Type C 20 ft. wide landscape buffer is required adjacent to the residential zoned properties to the southeast.

All utilities to the site will be installed underground.

Commercial dumpsters may be utilized for garbage collection and stored within the building or be stored outside and screened from off-site views in accordance with City standards.

Building elevations have not been submitted by the applicant. Staff will ensure that the proposed facility will meet the building design standards per the requirements of the City’s Unified Development Code.

No outdoor storage is requested or identified on the site plan.

Staff has distributed the proposed conditional rezoning request to members of the Technical Review Committee (TRC). If the request is approved by City Council, site plan approval will be required prior to the issuance of building permits.

The applicant is requesting a change of zone for the subject property from Residential-9 to General Business Conditional Zoning District to construct a 3,000 sq. ft. to be used by the applicant to store personal items. Per NCGS 160D-102, a conditional zoning request is a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the ordinance requirements of the parallel General Business Conditional Zoning District except those superseded by specific conditions, the approved concept plan, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district, and are binding on the property as an amendment to these regulations and to the Official Zoning Map. Should the applicant deviate from the minimum requirements of the proposed General Business Conditional Zoning District, the deviations shall be identified in writing for Council approval. The proposed use will be for mini-warehouse to be used by the applicant to store personal items. No commercial enterprises will be permitted, and no deviations are requested by the applicant or planning staff.

The City’s Comprehensive Land-Use Plan identifies the area as being suitable for a mix of land uses. There are several factors that would support the applicant’s proposed conditional rezoning request for the General Business Conditional Zoning District:

1. The entire property is located within an area described by the City of Goldsboro Comprehensive Land Use Plan as being suitable for a mix of land uses.
2. The City and other utility service providers will be able to provide sufficient public safety service, meet transportation and utility demands to the subject property, while maintaining sufficient levels of service to existing developments.
3. The proposed conditional rezoning would not impair or injure the health, safety, and general welfare of the public.
4. Planning staff have collaborated with the applicants and developers of the project to discuss the merits of the submitted concept plan.
5. All parties have mutually agreed that the proposed conditional rezoning is in conformance with the zoning requirements of the City of Goldsboro and that the site-specific improvements will balance the interests of the landowner, developer, neighborhood, and the public.

Therefore, the Planning Staff is recommending approval of the conditional rezoning request based on the factors listed above.

The Planning Commission shall refer to the attached worksheet, review the consistency and inconsistency statements, and vote to adopt one of these statements and form a recommendation for approval or denial that staff shall present to City Council at the June 2, 2025, meeting.

Mr. Rose opened the public hearing. No one spoke and the public hearing was closed.

Mr. Rose read the Consistency Statement. Mr. Brown made a motion to approve the Consistency Statement. The motion was seconded by Mr. Cox and unanimously carried.

**GZ-02-25 Lewis B. Jones (Neighborhood Business to General Business) – South side of E. Ash St. Extension between Malloy St. and Oak Forest Rd.** Kenny Talton, Assistant Planning Director, presented the item.

ADDRESS: East Ash Street  
 PARCEL: 3518-68-7973  
 PROPERTY OWNER: Lewis B. Jones  
 APPLICANT: Lewis B. Jones

The applicant is requesting a rezoning from the Neighborhood Business (NB) Zoning District to the General Business (GB) Zoning District. The purpose of the General Business (GB) Zoning District is to accommodate the widest range of uses by providing general goods and services to the community. The district is intended to promote high-quality, accessible developments, serving the needs of the community and surrounding area. The existing parcel is approximately 41,188 square feet in area. There is no minimum lot size in the General Business zoning district.

**SURROUNDING ZONING:**

Adjacent Zoning and Land Uses		
North	NB	Hair Salon
South	R16	Residential
East	NB	Residential
West	NB	Hair Salon

The property is currently vacant and heavily vegetated with trees and shrubs.

The City's Land Use Plan locates this parcel within the Commercial land use designation. This designation was given based off proximity to existing major transportation corridors and commercial development. The designation encourages in-fill development at existing commercial sites. The General Business (GB) Zoning District is identified as a corresponding district for the Commercial land use designation.

This is a rezoning proposal for approximately 0.95 acres to be rezoned from the Neighborhood Business (NB) Zoning District to the General Business (GB) Zoning District. As such, all permitted uses in the General Business Zoning District shall be considered as potential uses for the site.

The subject property is located east of Meadow Lane Elementary School and north of the Bryan Multi-Sports Complex. Surrounding land uses include barber and beauty shops, a used car lot, a single-family dwelling, and Black Dragon Smoke Shop.

City water and sewer are available to serve the site. The property is not located in the City's Special Flood Hazard Area.

The property is located within Seymour Johnson Air Force Base's Noise Overlay Contour. Certain building restrictions may apply to the property should the owner develop the property for commercial use in the future.

Staff has distributed this proposed rezoning request to Seymour Johnson Air Force Base, City Engineering, and the Fire Marshall's Office only, since this is a straight rezoning request.

Staff is recommending approval of the rezoning request. While the requested General Business (GB) rezoning proposal is not consistent with existing zoning classifications in the vicinity of the subject property, the range of uses permitted are generally compatible with existing land uses in the area. In addition, the proposed rezoning is consistent with the City of Goldsboro's Comprehensive Plan and accompanying Land Use Map. The City or other service providers will be able to provide sufficient public safety service, meet transportation and utility demands to the subject property, while maintaining sufficient levels of service to existing developments. Lastly, the proposed rezoning will not impair or injure the health, safety, and general welfare of the public.

Planning Commission shall refer to the attached worksheet, review the consistency and inconsistency statements, and vote to adopt one of these statements and form a recommendation for approval or denial that staff shall present to City Council at the June 2, 2025 meeting.

Mr. Rose opened the public hearing. No one spoke and the public hearing was closed.

The Commission discussed the current uses in the surrounding area, and the ongoing update to the Comprehensive Land Use Plan.

Ms. Edwards made a motion to approve the Consistency Statement. The motion was seconded by Mr. Cox and unanimously carried.

There being no further business, Mr. Rose adjourned the meeting at 6:47 p.m.

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William Rose  
Chair

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Holly Jones  
Planning Executive Assistant

**CITY OF GOLDSBORO  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM  
MONDAY, AUGUST 11, 2025**

**BOA-02-25 APPEAL TO AN ADMINISTRATIVE DECISION**

**APPELLANT:** Elvis Perez  
**LOCATION:** 2205-B East Ash Street  
**PARCEL ID#:** 3509-93-5590  
**PROPERTY OWNER:** Capps Enterprises of Greenville LLC

**NATURE OF THE APPEAL:**

Appeal of a Notice of Violation that the appellant is operating a Place of Entertainment. The property located at subject referenced above (2205 E. Ash St.) is being used as a Place of Entertainment and is not in possession of a valid ABC permit to sell or consume alcohol on the site. The business owner is operating without a City Council Approved special use permit.

**DESCRIPTION OF THE APPEAL:**

BOA-02-25: Elvis Perez is seeking an appeal to an administrative decision, to order the cease and desist of operations of an unpermitted place of entertainment, at property located at 2205B East Ash Street. The property is further identified as NCPIN# 3509-93-4592.

**APPELLANTS POSITION:**

It would appear that that Elvis Perez believes he is working within the limits of his existing permits allowing him to operate as a restaurant and insists he is not operating as a place of entertainment.

**ZONING ADMINISTRATORS POSITION:**

Elvis Perez was issued a certificate of occupancy to operate a coffee, juice, and sandwich café/restaurant by City on April 15, 2019. (Exhibit 8) Elvis Perez is consistently operating outside of the limits of his permit for a restaurant while conducting activities consistent with Place of Entertainment. (Figure 3)

## **THE ISSUE:**

On May 27, 2025, city planning was informed by Goldsboro Police Department that Elvis Perez was possibly operating a nightclub located at 2205-B East Ash Street, Goldsboro, North Carolina on Saturday, May 24, 2025, at approximately 3:00am. If so, this would be contrary to his city approved business known as “Summer Nights”, a Dominican café’/restaurant.

Sergeant Michael Sweet inquired from planning officials as to whether Elvis Perez had any city approvals to operate a place of entertainment with ABC permits approved by Goldsboro City Council. Planning officials informed Sgt. Sweet that they had no such records.

According to the Goldsboro Police Department, on May 24, 2025, officers witnessed patrons standing in long lines to gain access to the facility in the early morning hours, as well as patrons were seen leaving the facility with alcohol in their possession.

Assistant Planning Services Manager, Kenny Talton, contacted Elvis Perez on May 28, 2025 and informed him that planning officials had been contacted by Goldsboro Police Department. Perez informed Talton that he was not selling alcohol to his patrons or operating a place of entertainment. However, he stated to Talton that his customers had obtained approvals for One-Time ABC Permits from the NC ABC Commission for special events such as birthday parties, anniversaries, etc.

Talton informed Perez that he cannot operate a place of entertainment with ABC permits since the establishment does not have a special use permit approved by City Council. This would constitute a violation of city ordinances. Perez contends that he was not violating state and local ABC laws.

**PROPERTY DESCRIPTION OF APPEAL:**

The property contains a portion of a 31,000 square foot commercial strip center that spans multiple parcels and total approximately 78,890 square feet in building area. The portion of the property occupied by the appellant is owned by Capps Enterprises of Greenville LLC, 3505 Star Hill Farm Road, Greenville NC, 27834



Figure 1

The City of Goldsboro Zoning Map has identified this property as being within a General Business (GB) zoning district. The General Business district is established to accommodate the widest range of uses providing general goods and services to the community. The district is intended to promote high quality, accessible developments serving the needs of the community and surrounding area. There is no minimum lot size.



Figure 2

# UNIFIED DEVELOPMENT ORDINANCE PROVISIONS:

## Article 5, Section 5.5.4 Special Use Supplemental Use Regulations

(E.) Bars, Nightclubs, Pool Halls, Microbreweries, Places of Entertainment (Both Public and Private and For Profit [With] ABC Permit

Permitted Districts – Central Business District (CBD), General Business (GB), Shopping Center (SC), and Highway Business (HB).

Approval Criteria:

No establishment shall be located within two hundred feet of any residentially zoned or developed property, church or school.

Permitted Districts – Central Business District (CBD), General Business (GB), Shopping Center (SC), and Highway Business (HB).

## Article 5, Section 5.4 Table of Permitted Uses

UDO TABLE OF PERMITTED USES																														
ZONING DISTRICTS	AG	R-40	R-20A	R-20	R-16H	R-16	R-12SF	R-12	R-9SF	R-9	R-6SF	R-6	RM-9	RM-8	O-R	O&I-1	O&I-2	NB	CBD	AB	GB	SC	HB	I-1	I-2	I&BP-1	I&BP-2	Standards		
P = Permitted Use   S1 = Special Use (Board of Adjustment Review)   S2 = Special Use (Council Review)																														
Barber/Beauty Shop - excluding home occupations															P	P			P	P	S2	P	P			P		P		
Bars, nightclubs, pool halls, Microbreweries, Places of entertainment with an ABC permit, bowling alleys, miniature golf facilities																				P	S2		S2	S2	S2					5.5.4

Figure 3

The City of Goldsboro Unified Development Ordinance clearly distinguishes between Restaurants and Places of Entertainment.

Restaurants and employee cafeterias when located within the principal building																P	P	P	P		P	P	P	P	P	P	P		
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Figure 4

## Article 9, Section 2, Definitions

Bars, Clubs, Taverns etc: Commercial establishments open to the general public either without charge or upon payment of a cover charge or membership fee, licensed to sell alcoholic beverages, or holding a brown bag permit, offering entertainment involving the use of pre-recorded or live amplified sound, provided by paid employees, paid private contractors, unpaid entertainers or customers.

**BACKGROUND:**

- January 18, 2019 The City of Goldsboro Inspection Department issued a Business Inspection Permit for 2205-B East Ash Street.
- January 23, 2019 The City of Goldsboro Inspection Department conducted an inspection of the property at 2205-B East Ash Street for compliance with building codes required for a proposed use described by the applicant as Juice Bar - Coffee & Sandwich Shop.
- April 15, 2019 The City of Goldsboro Inspection Department issued a Certificate of Completion/Occupancy for 2205-B East Ash Street.
- April 24, 2023 Awareness Letter was sent to the property owner stating the business named Summer Nights Dominican Restaurant located at 2205-B East Ash Street held a special event with an approved ABC permit in violation of City Ordinance prohibiting a Place of Entertainment with alcohol sales within a Neighborhood Business zoning district and within 200 feet of a residential zoned property.
- July 11, 2025 Notice of Violation was sent by certified letter and first class mail ordering the appellant to cease and desist operation of an unpermitted Place of Entertainment.
- July 16, 2025 Second Notice of Violation was sent by certified letter and first-class mail ordering the appellant to cease and desist operation of an unpermitted Place of Entertainment.
- July 25, 2025 Notice of a Public hearing was sent by first class mail to adjoining property owners of the appellant notifying them of appellant's request for an appeal to the Board of Adjustment, and a public hearing would be conducted on August 11, 2025.
- Notice was also sent to Wayne Week to run as Legal Advertisement in papers published July 27, 2025, and August 3, 2025.
- July 28, 2025 Notice of a Public hearing was sent by first class mail to the appellant notifying him that his request for an appeal to the Board of Adjustment is accepted and a public hearing would be conducted on August 11, 2025.

**ATTACHMENTS:**

- Attachment 1: Notice of a Public hearing sent to the appellant.
- Attachment 2: Notice of Public Hearing sent to adjoining property owners of appellant, and to Newspaper.
- Attachment 3: Second Notice of Violation sent to the appellant.
- Attachment 4: Notice of Violation sent to the appellant.
- Attachment 5: Awareness Letter was sent to the property owner.
- Attachment 6: Certificate of Completion/Occupancy for 2205-B East Ash Street.
- Attachment 7: Business Inspection Report for 2205-B East Ash Street.
- Attachment 8: Business Inspection Permit for 2205-B East Ash Street.

**Conclusion:**

The Zoning Administrator and the facts have clearly demonstrated that Elvis Perez is operating an unpermitted Place of Entertainment consistent with that of a Bar, Club, or Tavern without the required special land use permit for a Place of Entertainment.

**REQUIRED ACTION:**

The Board of Adjustment will open the public hearing, swear in all those wishing to speak or submit evidence, close the public hearing, enter into open deliberation, and vote to uphold the zoning administrator order to cease and desist the operations of a Place of Entertainment or rule in favor of the appellant.



Planning Department  
200 North Center Street  
Goldsboro, NC 27530  
(919) 580-4313

July 21, 2025

Elvis Perez  
2205-B E. Ash Street  
Goldsboro, NC 27530  
(Via 1<sup>st</sup> Class a Mail)

Ref: Zoning Violation  
Tax Parcel ID#: 3509-93-4593  
(Summer Nights Dominican Restaurant, 2205-B E. Ash Street)  
**(NOTICE OF PUBLIC HEARING)**

Notice is hereby given that the Board of Adjustment of the City of Goldsboro will conduct a public hearing during the course of their open meeting which starts at 6:00 P.M. on Monday, August 11, 2025, in the Large Conference Room, located at 200 North Center Street to consider the following request:

Elvis Perez is seeking an appeal to an administrative decision, to order the cease and desist of operations of an unpermitted place of entertainment, at property located at 2205B East Ash Street. The property is further identified as NCPIN# 3509-93-4592.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact City Hall if further assistance is needed. All inquiries regarding this matter may be directed to the City of Goldsboro Planning Department at (919) 580-4313 or online at [www.goldsboronc.gov](http://www.goldsboronc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Mark H. Helmer".

Mark H. Helmer, AICP, CFM  
City of Goldsboro  
Planning Services Manager



**PLANNING DEPARTMENT**

Mark E. Helmer, AICP, CFM  
Planning Services Manager

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**Notice Of Public Hearing**

Notice is hereby given that the Board of Adjustment of the City of Goldsboro will conduct a public hearing during the course of their open meeting which starts at 6:00 P.M. on Monday, August 11, 2025, in the Large Conference Room, located at 200 North Center Street to consider the following request:

**BOA-02-25 Elvis Perez** is seeking an appeal to an administrative decision, to order the cease and desist of operations of an unpermitted place of entertainment, at property located at 2205B East Ash Street. The property is further identified as NCPIN# 3509-93-4592.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact City Hall if further assistance is needed. All inquiries regarding this matter may be directed to the City of Goldsboro Planning Department at (919) 580-4313 or online at [www.goldsboronc.gov](http://www.goldsboronc.gov).

Run:

July 27, 2025  
August 3, 2025



Planning Department  
200 North Center Street  
Goldsboro, NC 27530  
(919) 580-4313

Elvis Perez  
2205-B E. Ash Street  
Goldsboro, NC 27530  
(Via 1<sup>st</sup> Class and Certified Mail)

July 16, 2025

Ref: Zoning Violation  
Tax Parcel ID#: 3509-93-4593  
(Summer Nights Dominican  
Restaurant, 2205-B E. Ash  
Street)  
**(2<sup>st</sup> NOTICE OF VIOLATION)**

Dear Mr. Perez:

On July 15, 2025 the City of Goldsboro has found the property at 2205-B E. Ash Street, Goldsboro, NC 27530 to be in violation of the following provisions of the City of Goldsboro Unified Development Ordinance.

Section 5.5.4 Special Use Supplemental Use Regulations (E.) Bars, Nightclubs, Pool Halls, Microbreweries, Places of Entertainment (Both Public and Private and For Profit) – ABC Permit

*Permitted Districts – Central Business District (CBD), General Business (GB), Shopping Center (SC), and Highway Business (HB).*

**Approval Criteria:**

No establishment shall be located within two hundred feet of any residentially zoned or developed property, church or school.

**Violation(s):** The property located at subject referenced above (2205 E. Ash St.) is being used as a Place of Entertainment and is not in possession of a valid ABC permit to sell or consume alcohol on the site. The business owner is operating without a City Council Approved special use permit.

**Approval Criteria Violated:**

1. A Place of Entertainment cannot be conducted on this property because it is within two hundred (200) feet of any residentially zoned or developed property, church or school. The property abutting this property to the North, on E. Peachtree St. is Zoned Residential-9 (PIN 3509-93-6639) is a residentially zoned property.
2. The business is operating without a special use permit approved by City Council.

**Corrective Measures:**

Cease and desist all business operations immediately. Property owner shall comply with corrective measures within ten (10) days after receiving this 1<sup>st</sup> Notice of Violation.

Property Owner is notified of the following penalties in the event that the above violation(s) is not corrected in the manner specified above, within the time period specified above.

Any work or activity constituting a violation of a development regulation under the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of the terms of a development approval, shall also subject the offender to possible litigation, termination of utilities, and a civil penalty as follows:

- 1) In the amount of fifty dollars (\$50.00) for each offense on the first day of such offense; and
- 2) In the amount of one hundred dollars (\$100.00) for each offense either (i) on the second day of such offense or (ii) when the offense is a second offense within a twelve (12) month period; and
- 3) In the amount of two hundred and fifty dollars (\$250.00) for each offense either (i) on the third day on each subsequent day of such offense or (ii) when the offense is the third or subsequent offense within a twelve (12) month period.

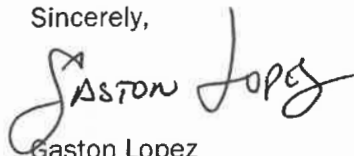
If the offender fails to pay the penalty within thirty days after being cited for a violation, the City in a civil action in the nature of debt may recover the penalty. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation, a civil penalty or received a written warning in accordance with the previous Section and did not take an appeal to the Board of Adjustment within thirty days from the date of the final notice, written warning or issuance of the civil penalty. In lieu of a civil action to recover the debt, the City may turn unpaid penalties in to a credit/collection agency for collection. The offender will be responsible for all reasonable monetary damages required by the collections agency to recover the debt. This section may also be enforced by any appropriate, equitable action.

Each day that any violation continues after notification by the Zoning Enforcement Officer that such a violation exists shall be considered a separate offence for purposes of the penalties and remedies specified in this Section. Notwithstanding the foregoing, the zoning enforcement officer may invoke the escalating civil penalties authorized by this section whenever the violation continues and there has been sufficient time for the violation to be corrected after notification that such violation exists or whenever the violation has occurred previously during a twelve (12) month period.

Anyone, all or any combination of the forgoing penalties and remedies either cited in this Ordinance or in GS 160A - 175 may be used to enforce this Ordinance.

The Planning Administrator's Decision may be appealed to the Board of Adjustment in accordance with Section 2.4.9 of the City of Goldsboro Unified Development Ordinance. Please contact me should you have any questions.

Sincerely,



Gaston Lopez  
Code Enforcement Administrator  
Planning Department  
919-580-4312

CC: Ron Lawrence, City Attorney, 203 N. William St., Goldsboro, NC 27530



Planning Department  
200 North Center Street  
Goldsboro, NC 27530  
(919) 580-4313

Ashley Justin Capps  
Capps Enterprises of Greenville, LLC  
3505 Star Hill Farm Rd.  
Greenville, NC 27834  
(Via 1<sup>st</sup> Class and Certified Mail)

July 11, 2025

Ref: Zoning Violation  
Tax Parcel ID#: 3509-93-4593  
(Summer Nights Dominican  
Restaurant, 2205 E. Ash Street)  
**(1<sup>st</sup> NOTICE OF VIOLATION)**

Dear Mr. Capps:

On July 11, 2025 the City of Goldsboro has found the property at 2205-B E. Ash Street, Goldsboro, NC 27530 to be in violation of the following provisions of the City of Goldsboro Unified Development Ordinance.

Section 5.5.4 Special Use Supplemental Use Regulations (E.) Bars, Nightclubs, Pool Halls, Microbreweries, Places of Entertainment (Both Public and Private and For Profit) – ABC Permit

*Permitted Districts – Central Business District (CBD), General Business (GB), Shopping Center (SC), and Highway Business (HB).*

Approval Criteria:

No establishment shall be located within two hundred feet of any residentially zoned or developed property, church or school.

**Violation(s):** The property located at subject referenced above (2205 E. Ash St.) is being used as a Place of Entertainment and is not in possession of a valid ABC permit to sell or consume alcohol on the site. The business owner is operating without a City Council Approved special use permit.

Approval Criteria Violated:

1. A Place of Entertainment cannot be conducted on this property because it is within two hundred (200) feet of any residentially zoned or developed property, church or school. The property abutting this property to the North, on E. Peachtree St. is Zoned Residential-9 (PIN 3509-93-6639) is a residentially zoned property.
2. The business is operating without a special use permit approved by City Council.

**Corrective**

**Measures:** Cease and desist all business operations immediately. Property owner shall comply with corrective measures within ten (10) days after receiving this 1<sup>st</sup> Notice of Violation.

Property Owner is notified of the following penalties in the event that the above violation(s) is not corrected in the manner specified above, within the time period specified above.

Any work or activity constituting a violation of a development regulation under the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of the terms of a development approval, shall also subject the offender to possible litigation, termination of utilities, and a civil penalty as follows:

- 1) In the amount of fifty dollars (\$50.00) for each offense on the first day of such offense; and
- 2) In the amount of one hundred dollars (\$100.00) for each offense either (i) on the second day of such offense or (ii) when the offense is a second offense within a twelve (12) month period; and
- 3) In the amount of two hundred and fifty dollars (\$250.00) for each offense either (i) on the third day on each subsequent day of such offense or (ii) when the offense is the third or subsequent offense within a twelve (12) month period.

If the offender fails to pay the penalty within thirty days after being cited for a violation, the City in a civil action in the nature of debt may recover the penalty. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation, a civil penalty or received a written warning in accordance with the previous Section and did not take an appeal to the Board of Adjustment within thirty days from the date of the final notice, written warning or issuance of the civil penalty. In lieu of a civil action to recover the debt, the City may turn unpaid penalties in to a credit/collection agency for collection. The offender will be responsible for all reasonable monetary damages required by the collections agency to recover the debt. This section may also be enforced by any appropriate, equitable action.

Each day that any violation continues after notification by the Zoning Enforcement Officer that such a violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Section. Notwithstanding the foregoing, the zoning enforcement officer may invoke the escalating civil penalties authorized by this section whenever the violation continues and there has been sufficient time for the violation to be corrected after notification that such violation exists or whenever the violation has occurred previously during a twelve (12) month period.

Anyone, all or any combination of the foregoing penalties and remedies either cited in this Ordinance or in GS 160A - 175 may be used to enforce this Ordinance.

The Planning Administrator's Decision may be appealed to the Board of Adjustment in accordance with Section 2.4.9 of the City of Goldsboro Unified Development Ordinance. Please contact me should you have any questions.

Sincerely,



Gaston Lopez  
Code Enforcement Administrator  
Planning Department  
919-580-4312

CC: Ron Lawrence, City Attorney, 203 N. William St., Goldsboro, NC 27530



Planning Department  
200 North Center Street  
Goldsboro, NC 27530  
(919) 580-4333

April 24, 2023

Capps Enterprises of Greenville, LLC  
3505 Star Hill Farm Rd  
Greenville, NC 27834

**AWARENESS LETTER**

The purpose of this letter is to make you aware of activity that has been reported to take place at 2205B E Ash St., Goldsboro, NC. Per our records, "Summer Nights Dominican Restaurant" currently occupies Unit B at Tax Parcel # 3509935590. This use of a restaurant is permitted in the Neighborhood Business Zoning District. Per recent reports and conversation with Wayne County ABC Enforcement, Planning has discovered that an ABC Permit was obtained for an event recently held at this restaurant. Please be aware that events with alcohol are not customary and do not align with the permitted use which is a restaurant with no ABC permit.

Please ensure that the use and operation of 2205B E Ash St. is for a restaurant and that other types of uses do not take place without approval from the City of Goldsboro.

Respectfully,

A handwritten signature in black ink that reads "Austin Brinkley". The signature is written in a cursive style.

Austin Brinkley, CTO, CFM  
Interim Planning Director  
City of Goldsboro



# Certificate of Completion

City of Goldsboro

200 N. Center Street Goldsboro, NC 27530 (919) 5804389  
Department of Inspections, Planning, and Engineering

The work authorized by the permit listed herein has been completed and approved by the  
City of Goldsboro Inspections Department.

Permit Type: Business Inspection Permit C.O. Number: CoCPMACT-003274-04-19Y

Work Class: New Bldg. Permit No. BUS-01-19-046828

Construction Type: \_\_\_\_\_ Date C.O. Issued 4/15/2019 12:00:00AM

Project Location: 2205 E Ash St, B Parcel Number: 3509935590

Owner: BEVERLY BROWN TRUST FIRST CITIZENS BAN Contractor: \_\_\_\_\_

Description of Work JUICE BAR AND COFFEE SHOP - C OF C ISSUED 4/15/2019 - SUMMER NIGHTS

### Inspection Department Signatures

Building Code: \_\_\_\_\_

Electrical Code: \_\_\_\_\_

Heating Code: \_\_\_\_\_

Plumbing Code: \_\_\_\_\_

Air Conditioning Code: \_\_\_\_\_

Fire Code: \_\_\_\_\_

Engineering: \_\_\_\_\_

Planning: \_\_\_\_\_

None Transferable

**POST IN A CONSPICUOUS PLACE**

**Jan 23, 2019**

**Mr. Elvis Perez  
109 Daleview Dr.  
Goldsboro, NC 27534**

**Ref: 2205-B E. Ash St.  
Proposed Use: Juice Bar –  
Coffee Shop/Sandwich**

**Dear Mr. Perez:**

**As a result of the business inspection at 2205-B E. Ash St. the following must comply:**

**Building:**

- 1. Submit a floor plan to the Inspections Department. Floor plan will need to show the dimensions and use of the areas.**
- 2. Will do a final walk-thru once the business has been set up for use.**
- 3. Permits will be required before any new work begins.**

**After you have completed all the Building requirements contact Ray Fields at 919-750-2252 to schedule a re-inspection.**

Page 2  
Mr. Elvis Perez  
2205-B E. Ash St.

**Mechanical:**

1. Permits will need to be obtained for any additional coolers to be installed.
2. Will do a final walk-thru once all appliances are in place and the kitchen has been set up for use.

**After you have completed all the Mechanical requirements contact Ray Fields at 919-750-2252 to schedule a re-inspection.**

**Electrical:**

1. A licensed electrical contractor to obtain a permit to clean up all wiring and make safe. Do all wiring for any electrical renovations.

**After you have completed all the Electrical requirements contact Sam Taylor at 919-750-2216 to schedule a re-inspection.**

**Fire:**

1. Fire extinguishers need to be serviced and mounted.
2. Combination exit/emergency light to be added for rear exit (through corridor).

**After you have completed all the Fire requirements contact Joe Johnson, Fire Marshall at 919-739-7411 to schedule a re-inspection.**

Page 3  
Mr. Elvis Perez  
2205-B E. Ash St.

**Plumbing:**

1. Install backflow preventer.
2. Permit required from licensed plumber for any work done.

**After you have completed all the Plumbing requirements contact Jason Baker at 919-750-2217 to schedule a re-inspection.**

Please note, this inspection has been done based on the information supplied to us by the applicant, should any changes be made other requirements not specified in the write up may have to be met.

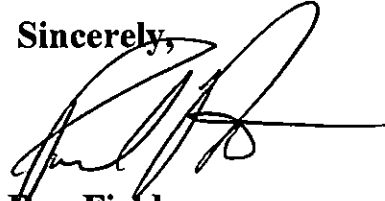
**Please understand that should you occupy the property that is referenced above before the items listed on this “business write-up” have been completed and approved by the appropriate inspectors, this department will have no other option but to have all utilities at this location disconnected.**

**When all the above items have been completed and all inspections have passed please contact the Inspections Department at 919-580-4385 to obtain a Certificate of Completion. A Certificate of Completion must be issued before the building can be occupied for business. After the Certificate of Completion has been issued the water account can be set up and a Business Registration certificate issued.**

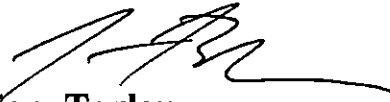
If there are any questions or further information is desired, please contact this office by calling (919) 580-4346, between the hours of 8:00 a.m. - 9:00 a.m. and from 4:00 p.m. – 5:00 p.m., Monday through Friday and speaking with the appropriate inspector.

**Page 4**  
**Mr. Elvis Perez**  
**2205-B E. Ash St.**

**Sincerely,**




**Ray Fields,**  
**Building/Mechanical Inspector**



**Sam Taylor,**  
**Electrical Inspector**



**Jason Baker,**  
**Plumbing Inspector**



**Joseph Johnson,**  
**Fire Marshall**



City of Goldsboro  
 200 North Center Street  
 Goldsboro, NC 27530  
 919-580-4389/4385  
**For Inspections Call:**  
**1-866-701-3308**

**Attachment 8**

**Permit**

Permit NO. **BUS-01-19-046828**  
 Permit Type: **Business Inspection Permit**  
 Work Classification: **New**  
 Permit Status: **Completed**

Issue Date: **1/18/2019** Expires: **10/14/2019**

**Project Information**

<b>Parcel No:</b> 3509935590 <b>2205 E Ash St, B</b> <b>Goldsboro, NC 27530</b>	<b>Owner / Applicant Information</b> ELVIS PEREZ 198 Daleview Dr Goldsboro, NC 27534 BEVERLY BROWN TRUST FIRST CITIZENS BANK AGENT 800 N Queen St Kinston, NC 28501
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**Proposed Construction / Details**  
 JUICE BAR AND COFFEE SHOP - C OF C ISSUED 4/15/2019 - SUMMER NIGHTS

<b>Valuation:</b>	<b>\$ 200.00</b>
<b>Total Sq Feet:</b>	<b>0.00</b>

Contractor(s)	Type	Cell Phone	Bus. Phone

Fee Name	Paid Amt	Fee Name	Paid Amt	Fee Name	Paid Amt
Business Inspection Fee	\$60.00	Technology Fee	\$15.00		
<b>Total Fees: \$75.00</b>		<b>Payment Type: Cash</b>		<b>Amount Paid: \$75.00 Total Due: \$0.00</b>	

<b>Required Inspections</b>			
Business Building	Business Building	Business Electrical	Business Electrical
Business Fire	Business Fire	Business Fire	Business Mechanical
Business Mechanical	Business Planning	Business Plumbing	

**Permit Conditions**

**Permit Notes**

**I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS PERMIT AND STATE THAT THE ABOVE INFORMATION IS CORRECT, AND AGREE TO COMPLY WITH ALL ORDINANCES AND STATE AND FEDERAL LAWS REGULATING ACTIVITIES COVERED BY THIS PERMIT.**

**\*\*\*\*NOTICE\*\*\*\***

**THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN SIX (6) MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF ONE (1) YEAR AT ANY TIME AFTER WORK IS STARTED.**

**PERMIT FEES ARE NON-REFUNDABLE ONCE PERMIT IS ISSUED.**

\_\_\_\_\_  
 Approved By: City of Goldsboro

\_\_\_\_\_  
 Friday, August 8, 2025  
 Date

\_\_\_\_\_  
 Owner / Applicant / Contractor / Agent

\_\_\_\_\_  
 Friday, August 8, 2025  
 Date

**For Inspections Call:**  
**1-866-701-3308**

**Applicant Copy**

Adjacent Property Owners of  
BOA-02-25

PIN	Name1	Address1	City	State	Zip
3509936468	BRIDGERS LILLIAN O	1701 E ASH ST	GOLDSBORO	NC	27530-4042
3509936639	DREW LINDA GAIL WIGGINS ETAL	2302 WAYNE MEMORIAL DR	GOLDSBORO	NC	27534-1726
3509931636	CAUDILL INVESTORS LLC	7689 WINFIELD RD	APPLING	GA	30802-2620
3509932640	BVLY PARTNERS IV LLC	500 EAST BLVD	CHARLOTTE	NC	28203-5110
3509937456	BNSI HOLDINGS LLC	213 BUNNING DR	GOLDSBORO	NC	27530-9662
3509932853	CITY OF GOLDSBORO	PO BOX A	GOLDSBORO	NC	27533-9701
3509948021	CITY OF GOLDSBORO	PO BOX A	GOLDSBORO	NC	27533-9701
3509943012	CITY OF GOLDSBORO	PO BOX A	GOLDSBORO	NC	27533-9701
3509933596	CAPPS ENTERPRISES OF GREENVILLE LLC	3505 STAR HILL FARM RD	GREENVILLE	NC	27834
3509935590	CAPPS ENTERPRISES OF GREENVILLE LLC	3505 STAR HILL FARM RD	GREENVILLE	NC	27834
3509934593	CAPPS ENTERPRISES OF GREENVILLE LLC	3505 STAR HILL FARM RD	GREENVILLE	NC	27834
3509936639	DREW LINDA GAIL WIGGINS ETAL	2302 WAYNE MEMORIAL DR	GOLDSBORO	NC	27534-1726
3509937456	BNSI HOLDINGS LLC	213 BUNNING DR	GOLDSBORO	NC	27530-9662
3509930420	CITY OF GOLDSBORO	PO BOX A	GOLDSBORO	NC	27533-9701
3509931308	CITY OF GOLDSBORO	PO BOX A	GOLDSBORO	NC	27533-9701
3509934255	CITY OF GOLDSBORO	PO BOX A	GOLDSBORO	NC	27533-9701
3509935243	CITY OF GOLDSBORO	PO BOX A	GOLDSBORO	NC	27533-9701
3509936230	CITY OF GOLDSBORO	PO BOX A	GOLDSBORO	NC	27533-9701
3509933300	CITY OF GOLDSBORO	PO BOX A	GOLDSBORO	NC	27533-9701
3509933278	CITY OF GOLDSBORO	PO BOX A	GOLDSBORO	NC	27533-9701
3509948021	CITY OF GOLDSBORO	PO BOX A	GOLDSBORO	NC	27533-9701
	Elvis Perez	2205-B East Ash Street	Goldsboro	NC	27530