

MINUTES OF THE MEETING OF THE
GOLDSBORO PLANNING COMMISSION/BOARD OF ADJUSTMENT
AUGUST 11, 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 August 11, 2025.

Present: Mr. William Rose, Chair, Presiding
Ms. Shirley Edwards, Vice-Chair
Ms. Viola Figueroa
Mr. Kevin Brown
Mr. Glen Barwick

Also Present: April Choice, Development Services Director
Mark Helmer, Planning Services Manager
Kenny Talton, Assistant Planning Services Manager
Ron Lawrence, City Attorney
Holly Jones, Planning Executive Assistant
Gaston Lopez, Code Enforcement Administrator
Nicole Perry, Code Enforcement Officer

Richard Farfour, ABC Enforcement Agent
Sergeant Michael Sweet, ABC Permit Coordinator for the Goldsboro Police Department
Officer Brad Gooding, Goldsboro Police Department
Officer Michael Moncada, Goldsboro Police Department

Brandi Matthews, Councilmember District 4
Elvis Perez, Applicant

Absent: Mr. Ronald Waters
Mr. Duke Cox

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

Approval of Minutes

Ms. Figueroa made a motion to approve the minutes Regular Meeting of April 28, 2025. The motion was seconded by Mr. Barwick and unanimously carried.

Board of Adjustment

Mr. Rose convened the Board of adjustment and opened the public hearing. Mr. Rose read the nature of the item before the Board.

The following people were sworn in to provide testimony: Mark Helmer, Planning Services Manager; Kenny Talton, Assistant Planning Services Manager; Richard Farfour, ABC Enforcement Agent; Sergeant Michael Sweet, ABC Permit Coordinator for the Goldsboro Police Department; Officer Brad Gooding, Goldsboro Police Department; Officer Michael Moncada, Goldsboro Police Department; Elvis Perez, Appellant; Gamara Loftin; Shanell Maye; Natalia Newkirk; and Evelyn Maye Truzys.

Kenny Talton, Assistant Planning Services Manager provided a blog from the UNC School of Government Coates' Canons to assist the Board in how to make a decision regarding appeals. (Exhibit A). He described the violation process, what may lead to an appeal, and how this process would proceed. He also informed the Board and other attendees that the Burden of Proof was on the City of Goldsboro.

Mr. Rose asked the Boards options to be restated. Mr. Talton restated that the Board could affirm, reverse, or modify staff's decision.

Mr. Talton presented the following.

BOA-02-25 – Elvis Perez - 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	L-1	L-2	I&BP-1	I&BP-2	Standards	
P = Permitted Use S1C = 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																				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	
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	---	---	---	---	--	---	---	---	---	---	---	---	--

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: (See Exhibit B)

- 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.

Mr. Talton asked if the board had any further questions, and seeing none, yielded the floor to Sergeant Michael Sweet, ABC Permit Coordinator for the Goldsboro Police Department.

Sergeant Sweet stated that a fellow officer informed him on May 24, 2025, that the establishment appeared to be operating as a nightclub. He stated he was already aware of the location due to a 2022 shooting.

Sergeant Sweet presented evidence via PowerPoint (Exhibit C), including body cam videos. The evidence showed long lines of patrons waiting to enter the establishment at approximately 2:40 AM, as well as showing the door being locked while the establishment was open for business. The video included officers interviewing Mr. Elvis Perez, and him denying officers access inside the premises. He also stated that he does not sell drugs or alcohol.

In another video, officers investigating behind the building stated smelling marijuana, and indicated that the gate to access the rear of the center was locked.

A security cam video from an adjacent establishment in the same center, showed a man walking away from the establishment in the early hours of the morning, cocking a concealed weapon. Loud music and voices could be heard in the background.

In another video, officers interviewed Mr. Perez after seeing alcohol and a weapon in an unlocked vehicle with the windows down parked in front of the establishment. The officers attempted to locate the vehicle's owner, and questioned a disturbance occurring on the premises. Mr. Perez admitted to renting the establishment out for a private party.

Another video, from moments later, showed what appeared to be three (3) juveniles exiting the establishment, one of which had alcohol (Smirnoff Ice) in hand. Officers questioned the individuals, two of which confirmed they were 16 years old.

Another video showed officers questioning Mr. Perez about the juveniles. He claimed he did not sell alcohol or provide alcohol, but the establishment was rented out for a private birthday party.

Another video from the same night a short time later, shows Richard Farfour, ABC Enforcement Agent, and other officers continuing to question Mr. Perez about the alcohol on his premises.

An interior video of the establishment showed Agent Farfour and officers serving a citation for possession/sale of alcohol without a license. This video also showed an absence of cooks in the kitchen or food to be served. In the video, Mr. Perez continued to argue that he did not provide alcohol, and the establishment had been rented out for a party. Mr. Perez also stated he was not able to serve food due to being preoccupied with the officers. This video also showed it to be extremely dark inside.

A music video shot on the premises showed alcohol, marijuana, and other drugs. This video also included known gang members and individuals making gang hand-signs.

The last video showed officers talking to patrons in the crowded parking lot outside the establishment, shortly before a fatal shooting on the premises. Sergeant Sweet stated he would not show any video relating to the shooting itself due to the violent nature and since the investigation is still ongoing.

Sergeant Sweet reviewed some still shots from the interior video, which showed that the kitchen equipment was not on, and multiple hookahs were seen sitting against a wall behind the counter. Also, no food can be seen on the few tables. An exterior still shot from the same video also showed the parking lot of the center in which the establishment is located was full of vehicles, and no other establishments were open at that time.

Mr. Rose asked what the date of the last bodycam video was. Sergeant Sweet stated the last video was from July 13th, at 2:48 AM; about 20 minutes before the shooting. He continued, stating that most of the videos occurred at approximately 2:00-3:00 AM.

Mr. Talton asked the officers present to confirm that what they had seen and heard was accurate. Officers Brad Gooding and Michael Moncada, Goldsboro Police Department, whom much of the bodycam footage was from, confirmed that everything presented was accurate.

Agent Farfour also confirmed that what he had seen and heard was accurate, and stated that he was the only one Mr. Perez allowed inside the establishment. He also stated that multiple individuals were seen inside with alcoholic beverages, and that is why Mr. Perez was cited.

Officer Gooding informed the Board that there were more vehicles than the video showed, as others were parked further down and on the side of the center.

Ms. Edwards asked if anyone was eating food, since it was a party. Officer Moncada stated that he did not see any food at the time, and did not smell any food in the kitchen.

Ms. Figueroa asked if they would usually shut things down when they saw someone underage. Agent Farfour stated that he had checked the IDs of those inside and they were over 21, but he was not aware of the 16-year-olds outside until he saw the video, and they will take care of that later.

Mr. Talton asked Mr. Perez to provide testimony, then any other witnesses would be heard.

Mr. Elvis Perez, applicant, provided testimony stating that he had begun renting the property and was then told it was not zoned properly for how he was operating. He rezoned the property to General Business from Neighborhood Business years ago believing that gave him permission to operate as he was. Mr. Perez continued, stating that the Goldsboro Police Department has made more than 40 visits since 2018, and Agent Farfour is the only officer he trusts and allows into his building. He also stated that he searched people entering his establishment, but does not search those attending private parties. Mr. Perez made the claim multiple times that he does not sell alcohol or run a club, but that he cannot control what happens in his parking lot. He stated that he felt that he was being harassed. Mr. Perez also stated that once he rents the space for a private event, he is out of it. Mr. Perez stated that the private parties were required to hire a bartender and private security, if desired.

Mr. Rose asked what the current sanitation rating is. Mr. Perez stated it was currently a 96. Mr. Rose stated that it takes an hour to hour and a half to clean a restaurant, questioning the timeline if he closed at 2:00 AM and people were still there at 2:45 AM or later. Mr. Perez admitted that he has a bed in the office and sometimes sleeps at the establishment.

Ms. Figueroa asked Mr. Perez to reiterate his hours of operation. Mr. Perez stated that he sold food Monday through Saturday from 12:00 PM to 6:00 PM, he opened for private parties Friday and Saturday from 8:00 PM to midnight or 1:00 AM, and on Friday and Saturday from 2:00 AM to 5:00 AM he opened back up to the public.

Ms. Edwards questioned Mr. Perez about the private party being over at 12:00 AM, but he had not served them food. Mr. Perez stated he had been busy with the officers.

Ms. Figueroa asked if he had coverage on the back door. Mr. Perez stated he did not control things when he rented the establishment out.

Mr. Rose asked if he was responsible for his own parking lot. Mr. Perez stated that it is a large parking lot, and he cannot control it. Mr. Rose asked if he had considered hiring an off-duty officer. Mr. Perez stated that it may be an option.

Ms. Edwards asked if he was saying that the private party was out of control. Mr. Perez stated the part was not out of control, and that he does not control the door during a private party, but lost attention when the officers arrived.

Gamara Loftin asked Mr. Perez why he didn't change his business practices each time they came there with a violation. She stated feeling that he could have done more regarding security on the premises. Mr. Perez reiterated that the private parties were required to hire a bartender and private security, if desired.

Ron Lawrence, City Attorney, reminded everyone that only those with standing could ask a question, others can provide a testimony of events. Ms. Loftin asked for clarification regarding what she could say. Mr. Lawrence stated that she could only make statements regarding events relevant to the matter; she could not directly ask any questions.

Ms. Loftin apologized and rephrased her previous question regarding business practices as a statement to the board, and stated that the man in the July 13th video shown earlier was her brother, who was killed later that same night. Mr. Rose stated that he had been unaware of this incident, and his heart went out to the family.

Shanell Maye stated she was the older sister of the man that was killed, Derrick, and reviewed some of the facts she had gathered from the videos and prior testimonies; including the multiple cease and desist letters regarding the lack of a special use permit and belief that he was operating a club. She stated that illegal events, including her brother being killed, would not have happened if the place had not been open. She continued, stated that the business should not be in operation.

Natalia Newkirk, agreed that the business should not be in operation.

A Gentleman, that did not provide his name, asked to speak and was properly sworn in. He requested that the family be provided access to the video and other information regarding the shooting, to bring the family justice, and to shut the restaurant down.

Evelyn Maye Truzys was properly sworn in, and stated that her son was the one killed. She stated that she had not gotten any communication regarding the event. She questioned that if he [Mr. Perez] searched everyone that came into his establishment, why was her son dead.

Mr. Perez stated that the man killed and those that committed the crime did not patronize his establishment.

Mr. Talton reiterated that the decision was not about closing the business, but about whether or not to uphold the zoning administrator's ruling to cease and desist all unapproved activities; the operation of a place of entertainment with or without alcohol. He also reiterated that a place of entertainment would not be allowed at this location without approval.

Ms. Figueroa asked for clarification regarding what the board was voting on. Mr. Rose reiterated that the vote was to affirm, reverse, or modify.

Mr. Perez asked if it was illegal for private event renters to get their own ABC permit. Mr. Talton stated that Raleigh does not always know our regulations, and that local officials must approve first before they go to the State.

No one else spoke and the public hearing was closed.

Ms. Edwards made a motion to deny the appeal and to affirm the staff's decision ordering the appellant to cease and desist the operations of a Place of Entertainment. The motion was seconded by Mr. Barwick and unanimously carried.

Mr. Talton stated that if this should occur again, and alcohol is found, the establishment would be closed until further notice. He stated that the City would not allow that location to operate with ABC Permits.


Mr. Perez asked for confirmation that he could still sell food, but could not permit alcohol. Mr. Talton confirmed that was correct. Mr. Rose stated that included alcohol on the premises. Mr. Talton stated that if the establishment wanted to have special events, they had to come through Planning and the City Council; reminding Mr. Perez that it could be denied.

Mark Helmer, Planning Services Manager, stated that Mr. Perez had to cease and desist operating a place of entertainment.

Mr. Rose asked if something could be done about the doors being locked during open hours with people inside. Sergeant Sweet stated that was a fire code, and is something the Fire Marshall must enforce, but he has contacted Vaden Lee, City of Goldsboro Fire Marshall, about it. He has spoken to the Fire Marshall and Fire Chief about how to handle that situation if it was discovered again.

Mr. Rose told Mr. Perez that he was now on everyone's radar, and stated that the people he rented his establishment out to are a reflection on him. Mr. Rose inferred that city officials had gone above and beyond to help him, and that assistance has been abused.

There being no further business, Mr. Rose asked for a motion to adjourn the meeting. Ms. Figueroa made the motion, and it was seconded by Ms. Edwards. The motion was unanimously carried, and the meeting adjourned at 8:19 p.m.



William Rose
Chair



Holly Jones
Planning Executive Assistant



Coates' Canons NC Local Government Law

Appeals of Administrative Development Decisions

Published: 03/18/22

Author: [Adam Lovelady](#)

Seemingly clear, objective development regulations may be the subject of debate and interpretation. Is that new business unlawful? Was the notice of violation correctly issued? Does the proposed development meet the applicable standards? Did the administrator correctly interpret the regulation? Each of these scenarios may raise disputes.

To resolve such disputes, appeals of administrative development decisions are assigned to the local board of adjustment. State law sets forth the procedures and standards for those appeals. This blog outlines those rules.

Principles and Purposes

No development regulation can address every possible scenario. Properties are unique, landowners are creative, and land uses evolve. Not only that, but no ordinance is perfect. Inevitably there are ambiguities, contradictions, and gaps. Public officials are called to apply these imperfect regulations to an array of scenarios and the correct application is not always clear. Sometimes reasonable people may disagree about the proper interpretation of an ordinance. Sometimes the public official did not have access to complete information at the time of determining the violation. In such cases, an appeal can help resolve the disagreement.

What's more, these imperfect regulations affect rights and liberties. Business owners and religious groups, homeowners and residents, farmers and developers—they all have a deep interest in the productive use of their own land, protection of their investments, minimizing of nuisances, and ensuring equal treatment under the law. These rights are enshrined in the US Constitution through the Fifth Amendment protection against deprivation of property rights without due process of law. Appeals to the board of adjustment are grounded in that Constitutional assurance of due process and practical reality that ordinances are not always clear.

An appeal is not the right process for everything, however. If an owner wants a waiver of a requirement because the strict application of the rules will cause hardship, that owner should seek a variance, not an appeal. And, if a citizen is simply looking for a change to the rules, that requires an ordinance amendment, not an appeal.

With those principles in mind, let's turn to the details for appeals of administrative development decisions.

Zoning and More

The provisions for administration of development regulations—including administrative decisions and appeals—are outlined in [Article 4](#) of Chapter 160D. G.S. 160D-405 states that for local development regulations, appeals of administrative decisions made by staff *shall* be made to the board of adjustment. So, administrative decisions for zoning, subdivision, and other development regulations are appealed to the local board of adjustment. The statute does allow that such appeals may be assigned to other boards if authorized by statute or local ordinance. So, for example, an appeal of a minor work permit in a historic district might be assigned to the local preservation commission rather than the board of adjustment. If the ordinance assigns any appeals of administrative decisions to another board, that board must follow quasi-judicial procedures just the same as the board of adjustment (G.S. 160D-405(a)).

Certain development regulations have separate appeals procedures. Minimum housing codes, authorized in [Article 12](#) of Chapter 160D, must follow specified procedures for notice, administrative hearings, and final orders. Moreover, G.S. 160D-1208 outlines the authority and procedures for appeals of minimum housing decisions to the housing appeals board. Similarly, the appeals procedures for local stormwater regulations and erosion and sedimentation control regulations are outlined in separate statutes. For those topics—minimum housing codes, stormwater, and erosion and sedimentation control—appeals of administrative decisions do not go to the board of adjustment unless explicitly stated in the local ordinance (G.S. 160D-405(a)).

The Decision

"Determination"

In order for an administrative decision to be appealed, the public official must have made an

official determination—a written, final, and binding order, requirement, or determination (160D-405(d) & -102(10)).

Examples of final, binding determinations include a formal notice of violation, a zoning compliance permit, a formal ordinance interpretation, and other final, written decisions. A formal determination that a particular activity is permitted in a zoning district is an appealable determination (*S.T. Wooten Corp. Board of Adjustment*, 210 N.C. App. 633, 711 S.E.2d 158 (2011)). Additionally, a written determination that the owner has complied with applicable height limits is appealable (*Meir v. City of Charlotte*, 206 N.C. App. 471, 698 S.E.2d 704 (2010)).

Some staff actions are not formal determinations so they are not subject to appeal to the board of adjustment. If a written statement affects no rights and is merely advisory in nature, it is unlikely to be appealable. A letter that merely states the basic zoning district of a property is not a binding decision; it is merely a recitation of the current rules. A written statement about how the ordinance *might* be interpreted in the future is not an appealable decision (*In re Appeal of the Society for the Preservation of Historic Oakwood*, 153 N.C. App. 737, 571 S.E.2d 588 (2002)). A written communication that amounts to nothing more than a recommendation at a preliminary stage of the permit review process is not a final, binding decision (*Ashe Cty. v. Ashe Cty. Plan. Bd.*, 376 N.C. 1, 852 S.E.2d 69 (2020)); *Wilson v. Mebane Board of Adjustment*, 212 N.C. App. 176, 710 S.E.2d 403 (2011)). Inaction by staff is not a decision that can be appealed, but a party may seek a court order to require staff action that is not discretionary.

The administrator cannot defer a question to the board prior to making a staff decision. When a decision is assigned to staff, the administrator must make the decision and then allow the appeal to the board of adjustment. (*Tate v. Board of Adjustment*, 83 N.C. App. 512, 350 S.E.2d 873 (1986)).

Notice of the Decision

Pursuant to G.S. 160D-403, the local government official who made the decision must provide written notice of the decision to the property owner and the requesting party, if different from the owner. This written notice may be provided by personal delivery, email, or first-class mail. The timing of notice is important, as that starts the clock running for the time of appeal.

A property owner or developer who wants to start the clock for neighbor appeals can establish constructive notice for the neighbors by posting a sign on the property in question pursuant to G.S.

160D-403(b). The sign must clearly state "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and provide a way to contact an official about the decision. The sign must be posted for at least ten days, and the person posting the sign must provide verification of such posting to the official who made the decision. An ordinance may require such posted notice of decisions, but if not specified in the ordinance, it is an option for the property owner. Note that this sign to establish constructive notice is separate from the routine notice required in advance of any quasi-judicial hearing, including an appeal of a staff decision.

Filing an Appeal

Deadline for Appeal

Parties have thirty days from notice of the decision to appeal (160D-405(d)). For a party receiving written notice from staff, the thirty-day period begins with receipt of the notice. Notice sent by email or hand delivery is presumed received on the date it is sent or delivered. With regard to mailed notice, it is presumed to be received on the third business day following deposit of the notice for mailing. For other parties, the thirty-day period begins with any notice—actual or constructive—of the decision. That notice could be a letter from the property owner, a posted sign as discussed above, the beginning of construction on the site, or some other means of learning about the decision. If a party fails to appeal within thirty days, the board of adjustment cannot hear the appeal.

Standing to Appeal

State law allows an appeal of administrative decision by a person with legal standing. As outlined at G.S. 160D-1402(c), that includes an individual with an ownership interest in the subject property, the applicant for a permit or recipient of a notice of violation (if different from the owner), the local government, any person who will suffer special damages from the decision, and certain associations that have members who will suffer special damages.

For some of these parties, standing is clear. The applicant, the owner, and the local government are easily identified as parties with standing to appeal. Determining whether a neighbor will suffer special damages requires more, as discussed in this blog on [standing in quasi-judicial hearings](#). In short, the courts look at factors such as proximity, property value impacts, and additional adverse impacts (noise, pollution, traffic, etc.) to determine special damages. The application form for an

appeal may request information to confirm legal standing, and at the hearing, the question of standing is a threshold matter for the board to determine. If the person filing the appeal lacks standing, the board lacks authority to hear the appeal.

Notice of Appeal

A person seeking to appeal an administrative decision must file a notice of appeal with the local government clerk or other official as designated by the local government ordinance. The notice of appeal must state the grounds for appeal. Local governments commonly have a form or application for appeals of administrative decisions. Once a complete application is filed properly, staff is obligated to put the request on the agenda for the board; staff cannot make decisions on legal questions, such as standing (*Morningstar Marinas/Eaton Ferry, LLC v. Warren Cty.*, 368 N.C. 360, 360, 777 S.E.2d 733, 734 (2015)).

Stays of Enforcement and Permitting

For an appeal of an enforcement action, the appeal stays enforcement. Civil penalties and other enforcement actions are paused for the duration of the appeal. However, if the enforcement official certifies that "a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation," then enforcement is only stayed by a restraining order (G.S. 160D-405(f)).

For an appeal of an approved development permit, the appeal "does not stay the further review of an application for development approvals to use the property." But, the person appealing the permit or the local government may request that the board of adjustment stay any final decision on the development approval applications, including building permits (G.S. 160D-405(f)).

Quasi-judicial Procedures

An appeal of an administrative development decision must follow quasi-judicial procedures, as outlined at G.S. 160D-406. Among other things, notice must be mailed and posted on the property; witnesses must provide sworn testimony and factual evidence; and the board must base its decision upon competent, substantial, relevant evidence in the record. Politics and personal preference are not legitimate bases for the decision.

Administrator Compiles the Record

In advance of the hearing the official who made the decision being appealed must compile the record upon which he or she based the decision, including all applicable documents and exhibits. The administrator must provide that record to the board and a copy of the record to the individual appealing the decision and the property owner, if different.

Administrator Appears as a Witness

As required by G.S. 160D-406(e), the public official who made the decision being appealed "shall be present at the evidentiary hearing as a witness." If the individual who made the decision is no longer employed by the local government, then the individual currently occupying that position must appear as a witness.

This role of appearing as a witness is different from the staff role in other types of quasi-judicial decisions. In a variance case or special use permit case a staff person may serve as a clerk and/or witness providing support and analysis for the board, but in appeals of staff decisions the staff person acts as a party defending an interpretation of the ordinance. This leads to heightened concerns of *ex parte* communications between the board and the staff person. Local government staff often interact with board members outside of meetings. In the case of a staff person as party, they should be careful not to discuss the substance of the appeal with board members outside of the hearing.

This dynamic of *staff-person-as-party* also may complicate the role of the local government attorney who is called in to advise the board and the staff member who is appearing before the board. For this reason, some local governments assign separate attorneys, one for staff and one for the board, for appeals of staff decisions.

Additional Evidence

In some cases, the party making the appeal, or that party's attorney, may submit in advance a written analysis (essentially a legal brief) for board consideration. If so, copies should be provided to the board and the parties just as the rest of the record is provided.

The extent to which new evidence is needed or appropriate depends on the case. In some cases, the parties may agree to the basic facts (proposed building, applicable section of the ordinance, etc.) but disagree on the legal question of how to interpret the ordinance correctly (for example, does the proposed building qualify as a single-family home?).

In other cases, the board may need to supplement the record with additional facts in order to make the decision. In an appeal of a notice of violation, for example, the parties may dispute whether and when a certain land use occurred on the property. The property owner may have documents or testimony that challenges the record provided by staff. The evidentiary hearing may elicit additional evidence for the record, and the board must resolve contested facts in its decision.

The chair of the board of adjustment is authorized to issue subpoenas to compel the production of evidence. A party may make a written request to the chairperson explaining why a subpoena is necessary to compel certain witnesses or evidence, and the chairperson shall issue the subpoena if he or she determines it to be relevant, reasonable in nature and scope, and not oppressive (160D-406(g)).

Legal Interpretations

Commonly a dispute over an administrative decision is a dispute over interpretation. For more guidance on interpretation, take a look at this blog on [Interpreting the Zoning Ordinance](#).

Decision and Appeal

The board of adjustment must decide an appeal within a reasonable time. As with any quasi-judicial decision, the board's decision must be based on competent, material, and substantial evidence in the record. The board must determine any contested facts and apply relevant legal standards. The board has all of the powers of the official who made the decision—they board steps into the shoes of the administrative staff, so to speak. The board may affirm the staff decision, reverse the staff decision, or modify the staff decision, and the board may "make any order, requirement, decision, or determination that ought to be made."

Appeals of administrative decisions are decided by a simple majority vote. The decision "shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board." The decision of the board of adjustment may be appealed to the superior court in the nature of certiorari pursuant to G.S. 160D-1402.

Alternatives to the Board of Adjustment

Instead of taking an appeal to the board of adjustment, the parties to an appeal may agree to

mediation or other alternative dispute resolution. The ordinance may set standards and procedures to facilitate this process.

When the basis of the appeal is a challenge of the enforceability, validity of the regulation itself, or the whether the regulation is unconstitutional, is beyond the statutory authority of the local government, or is an unconstitutional regulatory taking, a person with standing may opt to bypass the board of adjustment and take those legal challenges straight to superior court.

This blog post is published and posted online by the School of Government for educational purposes. For more information, visit the School's website at www.sogunc.edu.

Coates Canons © 2009 to present. School of Government at the University of North Carolina at Chapel Hill. All rights reserved.

Attachment 1



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 1st 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.

Sincerely,

[Signature]

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



Attachment 2

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

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:

BQA-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.

Run:
July 27, 2025
August 3, 2025

Attachment 3



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

Elvis Perez
2205-B E. Ash Street
Goldsboro, NC 27530
(Via 1st 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)
[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 1st 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,

[Signature]

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

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

Attachment 4



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

Ashley Justin Capps
Cappe Enterprises of Greenville, LLC
3505 Star Hill Farm Rd.
Greenville, NC 27634
(Via 1st Class and Certified Mail)

July 11, 2025

Ref: Zoning Violation
Tax Parcel ID#: 3509-93-4593
(Summer Nights Dominican Restaurant, 2205 E. Ash Street)
[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 1st 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,

[Signature]

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

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

April 24, 2023

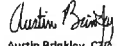
Capps Enterprises of Greenville, LLC
3505 Star Hill Farm Rd
Greenville, NC 27834

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,



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



Certificate of Completion

City of Goldsboro
200 N. Center Street, Goldsboro, NC 27530 (919) 580-4399
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-003274-04-10Y

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 BA 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
919-560-4389/4385
For Inspections Call:
1-866-701-3308

Attachment B Permit NO. **BUS-01-19-046828**
Permit Type: Business Inspection Permit
Work Classification: New
Permit Status: Completed
Issue Date: 07/14/2019 Expires: 07/14/2021

Project Information

Parcel No: 3500635560
2205 E Ash St, B
Goldsboro, NC 27530

Owner / Applicant Information
ELVIS PEREZ
198 Daleview Dr
Goldsboro, NC 27534

SEVERELY BROKEN FRONT FLOOR
CITIZENS BANK AGENT
800 N Classen St
Kinston, NC 28501

Proposed Construction / Details

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

Valuation: \$ 200.00
Total Sq Feet: 0.00

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		
Total Fees: \$75.00		Payment Type: Cash		Amount Paid: \$75.00 Total Due: \$0.00	

Required Inspections			
Business Building	Business Building	Business Electrical	Business Electrical
Business Fire	Business Fire	Business Fire	Business Mechanical
Business Mechanical	Business Plumbing	Business Plumbing	

Permit Conditions

Permit Notes

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS PERMIT AND STATE THAT THE ABOVE INFORMATION IS CORRECT, AND AM 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 1 AFTER WORK IS STARTED.

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

Approved By: City of Goldsboro

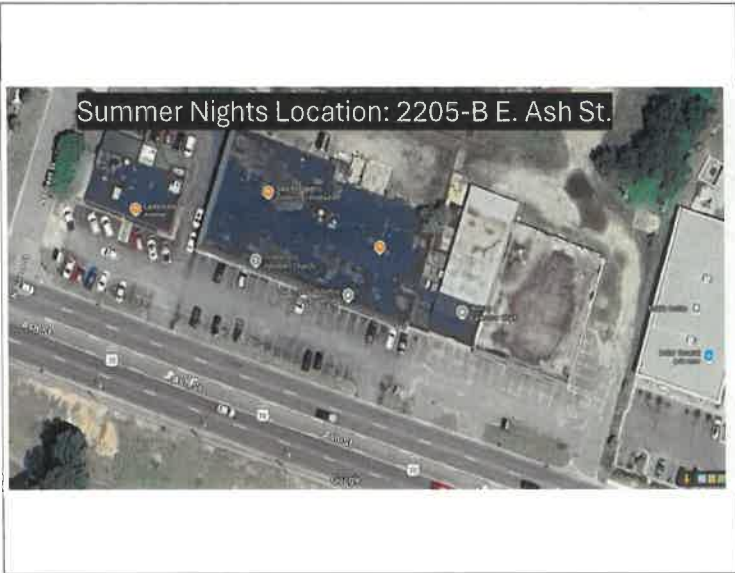
Friday, August 8, 2025
Date

Owner / Applicant / Contractor / Agent

Friday, August 8, 2025
Date

For Inspections Call:
1-866-701-3308

Applicant Copy



Summer Nights Location: 2205-B E. Ash St.



Google® Street View of front of Summer Nights Dominican Restaurant

Image taken: May of 2022



Hours of Operation

***Violation of Fire Code:**
This front door swings inward and is **not** an **Emergency Exit** type door, therefore it should **not be locked** during business hours of operation, however it was locked when Officer Gooding tried *see next video.



Getac officer Gooding and other Officers walking through the parking lot at about 2:40 am, seeing open containers and smelling Marijuana. Gooding attempts to contact to the manager, but the front door is locked. 05-25-2025



Officer Gooding speaking with Elvis Perez. 05-25-2-025

LAT: 33.2245 ... LONG: 107.9817 ... ALT: 82.811 ... 0 MPH



Officer Gooding and others walking behind the building, towards the back patio of Summer Nights, but the gate was locked. 05-25-2025

LAT: 33.2245 ... LONG: 107.9817 ... ALT: 82.811 ... 0 MPH





Officer Moncada and Elvis Perez arguing over juveniles seen leaving the building with alcohol. 06-28-2025



ABC Enforcement Agent R. Farfour speaking w/ Elvis Perez. 06-28-2025



Officer Moncada going into Summer Nights to issue a citation to Elvis Perez for an ABC violation.

06-28-2025 00:55



Officer Bonata and Gustavson checking vehicle parked behind building. This is a known gang members SUV, and the suspect vehicle for a shooting at/ near Cookout later that night. 06-29-2025



A music video recorded at Summer Nights on 06-28-2025.

*Notice the video contains images of alcohol, drugs (Marijuana and pills), firearms and gang hand-signs.

Several of the individuals in the video are known / identified gang members (Bloods).

NTG TAY X BBA BUNK - RESPECTY (Official Music Video)

NTG TAY 16 subscribers



Officers Wade and Whitaker walking through the parking lot about 20 minutes BEFORE the July 13th Homicide

06-29-2025 2:48:40



Inside Summer Nights

Very Dark inside, Officer Moncada must use his flashlight to walk through.

* There is no food seen /no one is eating.

06-28-25



Inside Summer Nights

Professional Stereo Equipment / speakers.

*Also notice that you can see you can see outside from the inside, but cannot see inside due to the mirror tented windows.



Inside Summer Nights

Juveniles dancing near the speaker.

*Two (2) of the same 16-year-olds that were caught coming out of the building holding alcohol.



Inside Summer Nights

The kitchen equipment does **not** appear to be in operation, and there is no Kitchen nor Wait Staff seen.

06-28-25



Two (2) Hookah's (for smoking) behind the counter.

A 2010 N.C. Law (NCGS 130A-496) Prohibits smoking in Restaurants and bars.

Enforcement:
The law is enforced by local Health Departments and the North Carolina Department of Health and Human Services.

06-28-25



Parking lot full -from the east end of the strip mall, and past the Lantern Inn. Also, numerous vehicles parked behind Lantern Inn and on Durant St.

Col. White @ 6:47pm in the right panel of the two-panel lot. 06-25-2025