

WEBBER OIL COMPANY

v.

CITY OF BANGOR

Submitted on Briefs December 13, 2002  
Decided February 25, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, CALKINS,  
and LEVY, JJ.

MEMORANDUM OF DECISION

Webber Oil Company appeals from an order of the Superior Court (Penobscot County, *Hjelm, J.*) affirming a decision by the City of Bangor Board of Appeals to deny Webber a sign permit. Contrary to Webber's contentions, the Board did not commit legal error in denying Webber a permit because Webber had discontinued the use of his nonconforming sign before the adoption of the Bangor sign ordinance, Bangor, Me., Code § 260-17(B) (1998). *Turbat Creek Pres., LLC v. Town of Kennebunkport*, 2000 ME 109, ¶ 13, 753 A.2d 489, 492 (ruling that actual, substantial use prior to enactment of restrictive zoning ordinance must be shown to qualify for nonconforming status). In addition, the court did not err by

concluding that the City was not equitably estopped from denying Webber's permit application. *Shackford & Gooch, Inc. v. Town of Kennebunk*, 486 A.2d 102, 106 (Me. 1984) (ruling that unauthorized representation of a municipal officer cannot serve as a basis for estopping municipal zoning decisions).

The entry is:

Judgment affirmed.

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