

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

DECISION OF THE HISTORIC PRESERVATION OFFICER

MINOR HISTORIC DESIGN REVIEW CASE NO.: HIS21-19

APPLICATION NO.: 21-114862-DR

NOTICE OF DECISION DATE: October 29, 2021

SUMMARY: A proposal to replace an existing non-historic window and door and add an additional window on the rear of the historic contributing French House (1925).

REQUEST: Minor Historic Design Review of a proposal to replace an existing non-historic window and door and add an additional window on the rear of the historic contributing French House (1925) in the Gaiety-Hill Bush's Pasture Historic District in the RS (Single Family Residential) zone, and located at 446 Oak St SE (Marion County Assessor Map and Tax Lot Number: 073W27BD04500).

APPLICANT: Anna Lopez

LOCATION: 446 Oak St SE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 230.025(b) and (c) – Standards for historic contributing buildings in residential historic districts.

FINDINGS: The findings are in the attached Decision dated October 29, 2021.

DECISION: The **Historic Preservation Officer (a Planning Administrator designee)** **APPROVED** Minor Historic Design Review Case No. HIS21-19 based upon the application materials deemed complete on October 7, 2021 and the findings as presented in this report.

The rights granted by the attached decision must be exercised, or an extension granted, by November 16, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>October 7, 2021</u>
Notice of Decision Mailing Date:	<u>October 29, 2021</u>
Decision Effective Date:	<u>November 16, 2021</u>
State Mandate Date:	<u>February 4, 2022</u>

Case Manager: Kirsten Straus, kstraus@cityofsalem.net, 503-540-2347

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Monday, November 15, 2021. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 230. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or

lacks the proper fee, the appeal will be rejected. The Historic Landmarks Commission will review the appeal at a public hearing. After the hearing, the Historic Landmarks Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

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503-588-6173***

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

**HISTORIC DESIGN REVIEW CASE NO. HIS21-19
DECISION**

**IN THE MATTER OF APPROVAL OF) MINOR HISTORIC DESIGN REVIEW
HISTORIC DESIGN REVIEW)
CASE NO. HIS21-19)
446 OAK ST SE) October 29, 2021**

In the matter of the application for a Minor Historic Design Review submitted by Wes McWhorter on behalf of Anna Lopez, the Historic Preservation Officer, a Planning Administrator designee, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

SUMMARY: A proposal to replace an existing non-historic window and door and add an additional window on the rear of the historic contributing French House (1925).

REQUEST: Minor Historic Design Review of a proposal to replace an existing non-historic window and door and add an additional window on the rear of the historic contributing French House (1925) in the Gaiety-Hill Bush's Pasture Historic District in the RS (Single Family Residential) zone, and located at 446 Oak St SE (Marion County Assessor Map and Tax Lot Number: 073W27BD04500).

A vicinity map illustrating the location of the property is attached hereto, and made a part of this decision (**Attachment A**).

DECISION

APPROVED based upon the application materials deemed complete on October 7, 2021 and the findings as presented in this report.

FINDINGS

1. Minor Historic Design Review Applicability

SRC230.020(f) requires Historic Design Review approval for any alterations to historic resources as those terms and procedures are defined in SRC 230. The Planning Administrator shall render a decision supported by findings that explain conformance or lack thereof with relevant design standards, state the facts relied upon in rendering the decision, and explain justification for the decision.

PROPOSAL

The applicant is proposing to replace an existing non-historic window and door and add an additional window on the rear of the historic contributing French House (1925) in the Gaiety-

Hill Bush's Pasture Historic District. The specifics of this proposal are included as **Attachment B**.

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

APPLICANT'S STATEMENT

A request for historic design review must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicants submitted a written statement, which a portion of is included as **Attachment C** in this staff report.

Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report. Salem Revised Code: **Chapter 230.025(b) – Windows and (c) – Doors** are applicable to this project.

FACTS & FINDINGS

1. Historic Designation

Under Salem Revised Code (SRC) Chapter 230, no exterior portion of a local historic resource, contributing, non-contributing building or new construction in a historic district shall be erected, altered, restored, moved or demolished until historic design review approval has been granted on the basis of the project's conformity with the applicable criteria in SRC 230. Conditions of approval, if any, shall be limited to project modifications required to meet the applicable criteria.

According to SRC 230.020(f), historic design review approval shall be granted if the application satisfies the applicable standards set forth in Chapter 230. For Class 1 and Class 2 Minor Historic Design Review decisions HLC staff, the Historic Preservation Officer (a designee of the Planning Administrator), shall render their decision supported by findings that explain conformance or lack thereof with relevant design standards, state the facts relied upon in rendering the decision, and explain justification for the decision.

2. Historic Significance

The French House is described as a colonial-style home built circa 1925, with a two-story with central block, one wing layout, smooth concrete foundation, beveled siding with four pilasters at each corner, one bay entrance porch, and an end outside chimney. The roof is a composition shingle pitched gable roof with broken pediment. Windows are three double hung sash windows with plain trim, with the exception of four side semicircular windows above the second floor with plain trim. The wing has two pilasters and two over two double hung sash windows with plain trim.

Dr. F. L. Utter owned and lived in the home beginning in the 1920s. Dr. Utter was a dentist in downtown Salem and became involved in politics during the 1930s, running for mayor and a place in the legislature. Dr. Utter and his wife, Frances, lived at the home through the 1950s.

3. Neighborhood and Citizen Comments

The subject property is located within the South Central Association of Neighbors (SCAN). A Request for Comments was sent to the neighborhood association, and surrounding property owners and tenants within 250 feet of the property pursuant to Salem Revised Code (SRC) requirements on October 7, 2021. Two comments were received, one from SCAN, both of which indicated no objections to the project.

4. City Department and Public Agency Comments

The Building and Safety Division indicates that the applicant must obtain required permits. The Planning Division, Fire Department, and Public Works Department reviewed the proposal and indicated no concerns.

Building and Safety reviewed the proposal and had the following comment: "The proposed new add-in window will need to be assessed for the vertical and lateral design of the structure. The placement of an opening in that wall with minimal structural panels on either side can weaken the structure. If the other window and the French doors do not widen the current openings the Building Department has no issues with them."

5. Historic Design Review

SRC Chapter 230.025(b) – Windows and (c) – Doors are applicable to this project. Table 230-1 defines this activity as a Class 2 Minor Historic Design Review. Historic Landmarks Commission staff reviewed the project proposal and has the following findings for the applicable criterion.

230.025. Standards for Historic Contributing Buildings and Features within Residential Historic Districts.

(b) Windows. Replacement of windows in historic contributing buildings shall be allowed only where the owner has attempted to repair the original window, but repair was not feasible due to the poor condition of the original materials. If the window is not original then every effort shall be made to replicate the original window; the effort shall be substantiated by historic, physical, or pictorial evidence. If the window cannot be replicated then it should be of a compatible design and material to the original.

Finding: The window on the rear of the structure identified for replacement is not original to the structure and was installed sometime in the 1970s or 1980s. It is made of aluminum and not part of the original design of the house. No photos or other evidence of what the windows at the rear of the home originally looked have yet been discovered. The applicant has made attempts to replicate older window styles, as detailed below.

(1) Materials. All features of the window, including the window frame, sash, stiles, rails, muntins, lamb's tongues and glass, are replaced with materials that duplicate, to the greatest degree possible, the appearance and structural qualities of the original.

Finding: No photo or other evidence has yet been discovered detailing what the windows at the rear of the structure looked like before the remodel in the 1970s or 80s. Based on the composition of the other existing windows, the windows were likely made of wood. The applicant has proposed two new windows made of paintable fiberglass and wood. The fiberglass section of the window mimics the appearance of wood when painted. This standard is met.

(2) Design. Overall design of the window profile of all parts of the window shall reproduce the appearance of the original window.

Finding: No photo or other evidence has yet been discovered detailing what the windows at the rear of the structure looked like before the remodel in the 1970s or 80s. The rest of the home has double-hung wooden windows with a plain trim. The existing kitchen window is currently a two-panel slider and the size and shape of the opening would not translate well to a double-hung window style. The applicant has suggested another window type, a casement style window which emulates the style of a paned window, also found on historic windows around the house.

The window proposed for installation in a new opening is a double-hung window, emulating the style of the other windows on the house.

This standard is met.

(3) Improvements to create energy efficiency.

(A) The use of weather-stripping, insulation, storm windows, or materials to either repair or improve the energy efficiency of shall be evaluated as means to achieve the desired energy efficiency objectives prior to seeking authorization to replace a window.

(B) If an owner wishes to improve the energy efficiency of windows located on the primary facade, only energy efficiency measures that are removable and do not permanently alter the resource, including, but not limited to, exterior storm windows and weather-stripping, shall be used on the primary facade.

(C) If an owner wishes to improve the energy efficiency of windows located on a facade other than the primary facade, measures that are removable and do not permanently alter the resource, including, but not limited to, exterior storm windows and weather-stripping, shall be used. Reuse of the original window frame and sash with replacement by glass that maintains the overall design and appearance of the window is allowed.

Example: Single pane glass can be supplemented or thermally upgraded with the addition of another pane of glazing such as adding an interior energy panel (storm window) or exterior panel mounted on the window sash itself.

Finding: The applicant is not proposing energy efficient changes, this standard is not applicable.

(c)Doors. Replacement of doors in historic contributing buildings shall be allowed only where the owner has attempted to repair the original door, but repair was not feasible due to the poor condition of the original materials. If the doors are not original then every effort shall be made to replicate the original doors; the effort shall be substantiated by historic, physical, or pictorial evidence. If the door cannot be replicated then it should be of a compatible design and material.

Finding: The door on the rear of the structure identified for replacement is not original to the structure and was installed sometime in the 1970s or 1980s. It is made of vinyl. No photos or other evidence of what the door at the rear of the home originally looked have yet been discovered. The applicant has proposed a design compatible with the style and age of the home, as detailed below.

(1) Materials. All features of the door shall be replaced with material that duplicate, to the greatest degree possible, the appearance and structural qualities of the original door.

Finding: No photos or other evidence of what the door at the rear of the home originally looked have yet been discovered. The existing door is made of vinyl and is not original to the structure. The newly proposed door is made of paintable fiberglass and wood. The fiberglass, when painted, replicates the appearance of wood. This standard is met.

(2) Design. The overall design of the door shall reproduce, to the greatest degree possible, the appearance of the original door.

Finding: No photos or other evidence of what the door at the rear of the home originally looked have yet been discovered. The applicant has proposed a traditional style French-style door that swings outward. This style of door is commonly found in colonial-style homes of this time period and the plain frame is simple in design. Barring evidence of the historic door at this location, the proposed door is compatible the resource. This standard is met.

DECISION

Based upon the application materials deemed complete on October 7, 2021 and the findings as presented in this report, the application for HIS21-19 is **APPROVED**.

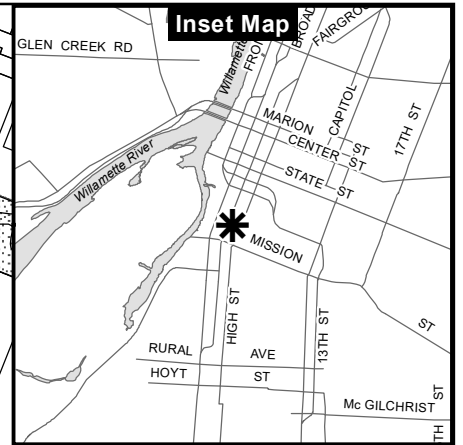
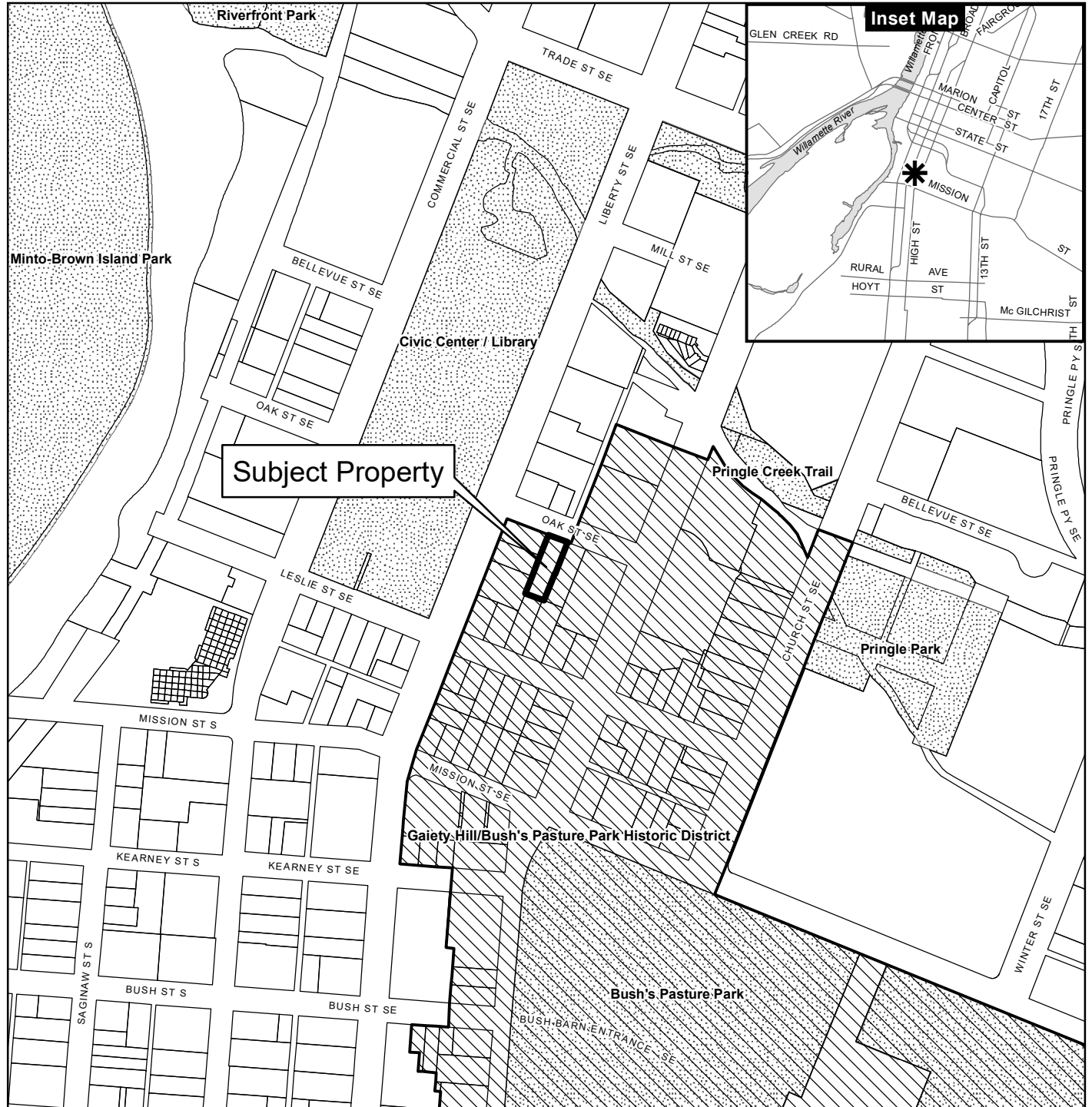


Kimberli Fitzgerald, AICP
Historic Preservation Officer
Planning Administrator Designee

Prepared by Kirsten Straus, Planner I








Attachments: A. Vicinity Map & Site Plan
B. Window and door specifications
C. Applicant's written statement

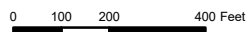
Vicinity Map 446 Oak St SE



Subject Property

Legend

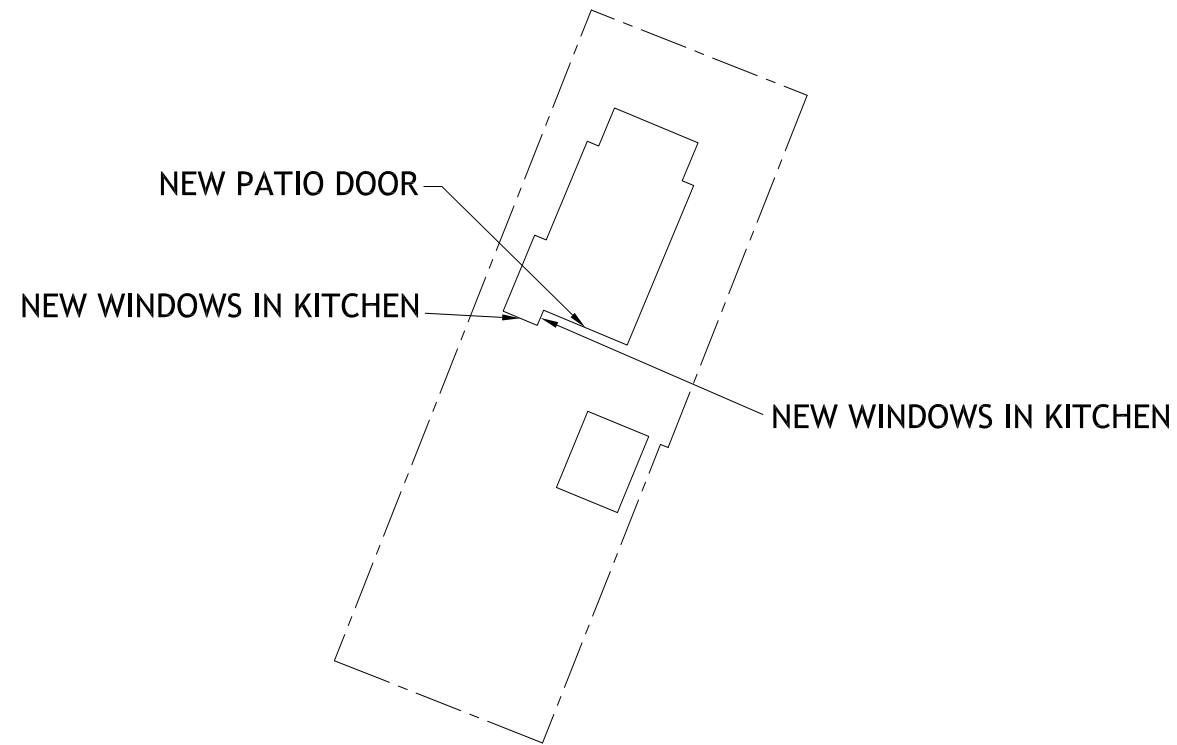
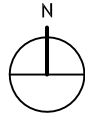
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



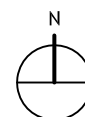
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LOCATION MAP
NTS



SITE PLAN
1" = 50'



PROJECT INFO

073W27BD004500
ZONE RS
NO NEW SQUARE FOOTAGE. WINDOW
REPLACEMENT, NO CHANGE TO SETBACKS

OWNER:
WILLIAMS AND ANNA LOPEZ
SALEM, OR

CONTRACTOR:
PREMIER REMODELING



LOPEZ WINDOW REPLACEMENT
446 OAK ST
SALEM, OR

A1.0

9/10/21
SITE

If bar is not 1"
drawing is not to scale.

Case No. _____

Historic Alteration Review WorksheetSite Address: 446 OAK ST. SEResource Status: Contributing Non- Contributing Individual Landmark Type of Work Activity Proposed: Major Minor Chose One: Commercial District Individual Resource Public District
Residential District Sign **Replacement, Alteration, Restoration or Addition of:****Architectural Feature:**

- Awning
 Door
 Exterior Trim, Lintel
 Other architectural feature
 Roof/Cornice
 Masonry/Siding
 Storefront
 Window(s) Number of windows: 2

Landscape Feature:

- Fence
 Streetscape
 Other Site feature (describe)

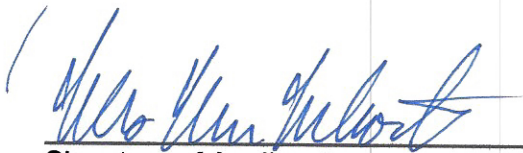
New:

- Addition
 Accessory Structure
 Sign
 Mural
 Accessibility Ramp
 Energy Improvements
 Mechanical Equipment
 Primary Structure

Will the proposed alteration be visible from any public right-of-way? Yes NoProject's Existing Material: ALUMINUM/VINYL Project's New Material: FIBERGLASS/WOOD**Project Description**

Briefly provide an overview of the type of work proposed. Describe how it meets the applicable design criteria in SRC Chapter 230. Please attach any additional information (i.e., product specification sheets) that will help staff and the HLC clearly understand the proposed work:

- REPLACE BACK SLIDER DOOR (VINYL) WITH FRENCH DOORS IN FIBERGLASS.
- REPLACE KITCHEN WINDOW (ALUM.) WITH FIBERGLASS/WOOD WINDOW.
- ADD NEW FIBERGLASS/WOOD WINDOW ADJACENT EXISTING KITCHEN WINDOW.



Signature of Applicant

8/4/21

Date Submitted/Signed

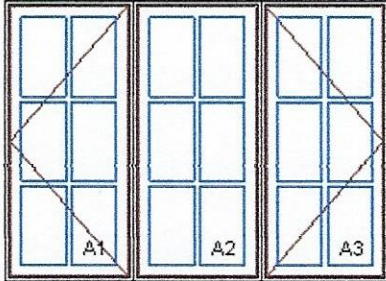




LINE ITEM QUOTES

The following is a schedule of the windows and doors for this project. For additional unit details, please see Line Item Quotes. Additional charges, tax or Terms and Conditions may apply. Detail pricing is per unit.

Line #1	Mark Unit:	Net Price:		1,570.83
Qty: 1		Ext. Net Price:	USD	1,570.83



As Viewed From The Exterior

FS 60" X 43 1/4"
 RO 61" X 43 3/4"
Egress Information A1, A3
 Width: 11 15/64" Height: 38 27/32"
 Net Clear Opening: 3.03 SqFt
Egress Information A2
 No Egress Information available.
Performance Information A1, A2, A3
 U-Factor: 0.27
 Solar Heat Gain Coefficient: 0.27
 Visible Light Transmittance: 0.46
 Condensation Resistance: 59
 CPD Number: MAR-N-250-00770-00001
 ENERGY STAR: N, NC

Stone White Exterior
 Bare Pine Interior
 3W1H - Rectangle Assembly
 Assembly Rough Opening
 61" X 43 3/4"

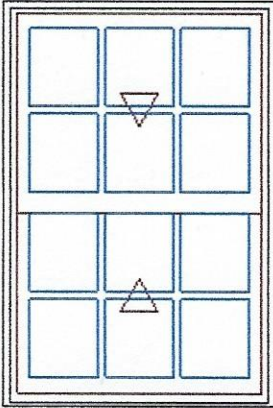
Unit: A1
 Elevate Casement - Left Hand
 CN 2143
 Rough Opening 21" X 43 3/4"
 Stone White Exterior
 Bare Pine Interior
 IG
 Low E2 w/Argon
 Stainless Perimeter and Spacer Bar
 7/8" SDL - With Spacer Bar - Stainless
 Rectangular - Standard Cut 2W3H
 Stone White Ext - Bare Int
 Oil Rubbed Bronze Folding Handle
 Interior Aluminum Screen
 Charcoal Fiberglass Mesh
 White Surround

Unit: A2
 Elevate Casement - Stationary
 CN 2143
 Rough Opening 21" X 43 3/4"
 Stone White Exterior
 Bare Pine Interior
 IG
 Low E2 w/Argon
 Stainless Perimeter and Spacer Bar
 7/8" SDL - With Spacer Bar - Stainless
 Rectangular - Standard Cut 2W3H
 Stone White Ext - Bare Int

Unit: A3
 Elevate Casement - Right Hand
 CN 2143
 Rough Opening 21" X 43 3/4"
 Stone White Exterior
 Bare Pine Interior
 IG
 Low E2 w/Argon
 Stainless Perimeter and Spacer Bar
 7/8" SDL - With Spacer Bar - Stainless
 Rectangular - Standard Cut 2W3H
 Stone White Ext - Bare Int
 Oil Rubbed Bronze Folding Handle
 Interior Aluminum Screen
 Charcoal Fiberglass Mesh
 White Surround

4 9/16" Jambs
 Nailing Fin w/ Certification Brackets
 ***Note: Divided lite cut alignment may not be accurately represented in the OMS drawing. Please consult your local representative for exact specifications.
 ***Note: This configuration is certified to AAMA 450.
 ***Note: Unit Availability and Price is Subject to Change

Line #2	Mark Unit:	Net Price:		781.12
Qty: 1		Ext. Net Price:	USD	781.12



As Viewed From The Exterior

FS 29 1/2" X 43 1/4"
 RO 30 1/2" X 43 3/4"
Egress Information
 Width: 26 3/8" Height: 16 23/32"
 Net Clear Opening: 3.06 SqFt
Performance Information
 U-Factor: 0.28
 Solar Heat Gain Coefficient: 0.28
 Visible Light Transmittance: 0.48
 Condensation Resistance: 56
 CPD Number: MAR-N-272-00944-00001
 ENERGY STAR: NC

Stone White Exterior
 Bare Pine Interior
 Elevate Double Hung
 Rough Opening 30 1/2" X 43 3/4"
 Standard CN Width 30
 Top Sash
 Stone White Exterior
 Bare Pine Interior
 IG
 Low E2 w/Argon
 Stainless Perimeter and Spacer Bar
 7/8" SDL - With Spacer Bar - Stainless
 Rectangular - Special Cut 3W2H
 Stone White Ext - Bare Int
 Bottom Sash
 Stone White Exterior
 Bare Pine Interior
 IG
 Low E2 w/Argon
 Stainless Perimeter and Spacer Bar
 7/8" SDL - With Spacer Bar - Stainless
 Rectangular - Special Cut 3W2H
 Stone White Ext - Bare Int
 Black Weather Strip Package
 Oil Rubbed Bronze Sash Lock
 Exterior Aluminum Screen
 Stone White Surround
 Charcoal Fiberglass Mesh
 4 9/16" Jamb
 Nailing Fin
 ***Note: Divided lite cut alignment may not be accurately represented in the OMS drawing. Please consult your local representative for exact specifications.
 ***Note: Unit Availability and Price is Subject to Change

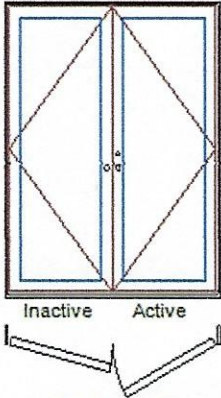
Project Subtotal Net Price: USD 2,351.95
 0.000% Sales Tax: USD 0.00
 Project Total Net Price: USD 2,351.95

LINE ITEM QUOTES

The following is a schedule of the windows and doors for this project. For additional unit details, please see Line Item Quotes. Additional charges, tax or Terms and Conditions may apply. Detail pricing is per unit.

Line #2	Mark Unit:	Net Price:	4,219.99
Qty: 1		Ext. Net Price:	4,219.99
		USD	

MARVIN 



As Viewed From The Exterior

FS 60 5/8" X 82"
 RO 61 5/8" X 82 1/2"
Egress Information
 Width: 51 47/64" Height: 78 1/4"
 Net Clear Opening: 28.11 SqFt
Performance Information
 U-Factor: 0.28
 Solar Heat Gain Coefficient: 0.27
 Visible Light Transmittance: 0.48
 CPD Number: MAR-N-477-10122-00001
 ENERGY STAR: N, NC

Stone White Clad Exterior
 Bare Pine Interior
 Ultimate Outswing Door (3" Stiles) 4 9/16" - XX Left Hand
 CN 5068
 Rough Opening 61 5/8" X 82 1/2"
 Left Panel
 Stone White Clad Sash Exterior
 Bare Pine Sash Interior
 IG - 1 Lite
 Tempered Low E2 w/Argon
 Stainless Perimeter Bar
 Square Interior Glazing Profile
 Right Panel
 Stone White Clad Sash Exterior
 Bare Pine Sash Interior
 IG - 1 Lite
 Tempered Low E2 w/Argon
 Stainless Perimeter Bar
 Square Interior Glazing Profile
 Minimalist Handle Lever(s)
 Multi-Point Lock on Active Panel
 Oil Rubbed Bronze PVD Active Exterior Handle Set on Active Panel Keyed
 Oil Rubbed Bronze PVD Active Interior Handle Set on Active Panel
 Multi-Point Lock on Inactive Panel
 Oil Rubbed Bronze PVD Inactive Exterior Handle Set on Inactive Panel
 Oil Rubbed Bronze PVD Inactive Interior Handle Set on Inactive Panel
 Oil Rubbed Bronze PVD Adjustable Hinges 3 Per Panel-
 Bronze Ultrex Sill
 Black Weather Strip
 5 1/4" Jamb
 Thru Jamb Installation w/ Nailing Fin
 ***Note: The selected Interior Finish would allow Finger Joints to appear on secondary surfaces.
 ***Note: Unit Availability and Price is Subject to Change

Project Subtotal Net Price: USD 4,219.99
 0.000% Sales Tax: USD 0.00
 Project Total Net Price: USD 4,219.99

SRC 230.025(b)

(b) *Windows.* Replacement of windows in historic contributing buildings shall be allowed only where the owner has attempted to repair the original window, but repair was not feasible due to the poor condition of the original materials. If the window is not original then every effort shall be made to replicate the original window; the effort shall be substantiated by historic, physical, or pictorial evidence. If the window cannot be replicated then it should be of a compatible design and material to the original.

Applicant Response:

(1) *Materials.* All features of the window, including the window frame, sash, stiles, rails, muntins, lamb's tongues and glass, are replaced with materials that duplicate, to the greatest degree possible, the appearance and structural qualities of the original.

Applicant Response:

(2) *Design.* Overall design of the window profile of all parts of the window shall reproduce the appearance of the original window.

Applicant Responses:

(3) *Improvements to create energy efficiency.*

(A) The use of weather-stripping, insulation, storm windows, or materials to either repair or improve the energy efficiency of shall be evaluated as means to achieve the desired energy efficiency objectives prior to seeking authorization to replace a window.

(B) If an owner wishes to improve the energy efficiency of windows located on the primary facade, only energy efficiency measures that are removable and do not permanently alter the resource, including, but not limited to, exterior storm windows and weather-stripping, shall be used on the primary facade.

(C) If an owner wishes to improve the energy efficiency of windows located on a facade other than the primary facade, measures that are removable and do not permanently alter the resource, including, but not limited to, exterior storm windows and weather-stripping, shall be used. Reuse of the original window frame and sash with replacement by glass that maintains the overall design and appearance of the window is allowed. Example: Single pane glass can be supplemented or thermally upgraded with the addition of another pane of glazing such as adding an interior energy panel (storm window) or exterior panel mounted on the window sash itself.

Applicant Response:

The windows that are being installed are from the Marvin Essence line. They are fiberglass exterior and wood interior. They are replacing an aluminum window installed in a remodel done in the 70's or 80's.

The door that is being replaced is PVC clad wood french door that is replacing a vinyl patio slider door.

These are all on the back of the house and not visible to the street or the side of the house. All trim details are being maintained for the windows and doors.